

U.S. Department
of Transportation

United States
Coast Guard



Commandant
United States Coast Guard

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COMDTINST 16200.3A
16 OCT 1992

COMMANDANT INSTRUCTION 16200.3A

Subj: CIVIL PENALTY PROCEDURES AND ADMINISTRATION

- Ref: (a) Marine Safety Manual, Volume 1, COMDTINST M16000.6
(Series)
- (b) Maritime Law Enforcement Manual, Volume I, COMDTINST
M16147.1 (Series)
- (c) Bridge Administration Manual, COMDTINST M16590.5
(Series)
- (d) 33 CFR 1.07, "Enforcement; Civil and Criminal Penalty
Proceedings"
- (e) Civil Penalty Hearing Officers' Guide, COMDTINST
M16200.5 (Series)
1. PURPOSE. This instruction establishes uniform civil penalty procedures for the submission of violation cases to Coast Guard hearing officers. This instruction is promulgated for Coast Guard units and district program managers involved in the enforcement of marine environmental protection, port safety, port security, waterways management, navigation safety, bridge administration, and recreational boating safety laws or regulations.
2. ACTION.
- a. COMMANDANT (G-L). COMMANDANT (G-L) shall:
- (1) Provide centralized oversight, management, and control of the Coast Guard civil penalty process, from referral to hearing officers through

2. a. (1) (cont'd) collection, including the preparation of policy directives.
- (2) Provide guidance to program managers regarding investigation and handling of reported violations.
- (3) Annually evaluate the timelessness, size, and consistency of penalties assessed nationwide for long term fairness and equity.
- b. District Commanders. District commanders shall:
 - (1) Ensure that program managers and subordinate unit commanders are familiar with this instruction and use it as a guideline when forwarding civil penalty cases in a timely manner, including district program manager's recommended penalty amounts, to the appropriate civil penalty hearing officer.
 - (2) Notify the appropriate Headquarters program manager of recommendations to improve the civil penalty process.
- c. Commanding Officers. Commanding officer whose responsibilities include the preparation and forwarding of violation reports shall:
 - (1) Ensure the most effective means of enforcement is employed to achieve the Coast Guard's goal of promoting the safety of lives and property and protecting the marine environment. Commanding officers must consider the full range of enforcement measures available to deter violations, including those listed in section 4.G of reference (a) and in reference (b), independent of the civil penalty process.
 - (2) Complete and forward civil penalty cases to the appropriate district program manager in a timely manner.
 - (3) Follow the Guidelines established in this instruction including recommended penalty amounts.
3. DIRECTIVES AFFECTED. Enforcement Policy for Civil Penalties, COMDTINST 16200.3, is cancelled.
4. SCOPE. This instruction provides policy for the handling of non-criminal violation cases by each program having cognizance over applicable statutes and regulations. It also requires the identification, by the appropriate district program manager, of a recommended civil penalty when forwarding penalty cases to civil penalty hearing officers. Guidelines for selecting an appropriate

4. (cont'd) recommended civil penalty and identifying the party or parties against whom the sanction should be imposed are also provided.
5. MAJOR CHANGES. Major changes to this instruction include the revision of recommended civil penalty assessments to reflect the higher monetary penalty limits enacted by Congress; centralized oversight of the civil penalty process from referral to hearing officers through the collection of penalties to obtain civil penalty action consistency; and the inclusion of an impact assessment.
6. BACKGROUND.
 - a. Civil Penalty Process. References (a), (b), and (c) provide guidance concerning handling of situations warranting initiation of civil penalties. Reference (d) sets forth the regulations providing for uniform civil penalty hearing procedures. These rules are designed to safeguard the rights of parties through procedural due process, while using simplified proceedings that are fair and impartial, easily understood, and readily available. Civil penalty hearing officer guidelines were promulgated by reference (e).
 - b. Civil Penalty Cases. Cases are normally initiated by local commands, forwarded to the appropriate district program manager for review/endorsement, and submitted to the civil penalty hearing officer for action. Civil penalty cases should contain a recommended action, including the identification of the possible responsible party and recommended penalty amount which is considered appropriate for the specific circumstances involved. Supplemental information may also be forwarded, including CG-4100 (Series), CG-5437, CG-840S-2, CG-835, and CG-4200 reports. Exceptions to this routing system include those cases referred to the Department of Justice for criminal proceedings to the exclusion of civil penalty cases in which the Department of Justice seeks a judicially imposed civil penalty, or other actions (see section 5.A.6 of reference (a) and part 7.H of reference (c)).
 - c. Recordkeeping. For each civil penalty case either the initiating command or the district program manager, as appropriate, assigns case identification numbers and enters case data in the marine violation (MV) product set of the Marine Safety Information System (MSIS).
7. IMPACT ASSESSMENT. This instruction, while assigning no new tasking to operational units, provides for centralized annual evaluation of the civil penalty process. Furthermore, the enclosures incorporated penalty ranges which reflect current maximum penalty amounts enacted by Congress.

8. CIVIL PENALTY POLICY.

- a. General. Civil penalty action is one tool to achieve compliance with laws and regulations the Coast Guard is empowered to enforce. In some instances, both immediate corrective actions of responsible parties followed by the initiation of civil penalty cases should be sought. The monetary penalty assessed by the hearing officer should be meaningful, timely, consistent with the facts of the case and governing statute, and supportive of field enforcement efforts. Penalties for a given violation, in similar circumstances, should be consistent nationwide.
- b. Multiple Potential Parties. All incidents must be examined carefully for circumstances where separate civil penalty cases can and should be brought at the same time against liable parties. Select the party who can most effectively bring about compliance or a remedy. If this can be achieved with equal effectiveness by two or more parties, select those parties whose failure to comply requires the greatest degree of correction.
- c. Recommended Penalties. For each civil penalty case, appropriate program managers should recommend to the hearing officer a definite penalty amount, not exceeding the statutory maximum, based upon the available information and applicable factors specified by law or regulation. Hearing officers are to make decisions, where appropriate finding the existence of a violation and, if so, assessing a penalty based on the penalty case record and in accordance with the applicable statutory standards.
 - (1) The tables in the enclosures to this instruction, while not all inclusive, provide program specific guidance concerning penalty amounts for district program managers to use in making recommendations to the hearing officer. In cases involving major violations as defined by section D.3 of reference (a) and in situations involving recurring minor violations by the same party, significant penalty sanctions should be sought (tending toward the statutory maximum) to discourage future noncompliance.
 - (2) If the statute does not specify factors to be considered when recommending penalty amounts, the program manager will make a recommendation based upon factors such as circumstances, gravity, culpability, history of similar violations, and demonstrated good faith. It is expected, and normal, that some cases will have very strong aggravating or mitigating circumstances,

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8. c. (2) (cont'd) and that in such cases penalties will be recommended at levels higher or lower than those in the tables. (However, the recommendation shall not be greater than the statutory maximum). In such cases, an explanation should be included with the recommendation.
- (3) Additionally, several statutes identify other factors to be considered when recommending penalty amounts, such as seriousness of the violation, economic benefit to the violator, if any, resulting from the violation, degree of culpability, any other penalty for the same incident, any history of prior violations, economic impact of the penalty on the violator, and other pertinent matters. The enclosures do not take into account these factors, nor is this information a required part of the violation case. The burden of presenting information pertaining to financial factors lies with the party. Economic or financial information with program manager comments concerning recommended penalties may be included in the file.
9. REPORTS AND FORMS. Coast Guard forms "Report of Boarding," CG-4100 (Series), "Vessel Boarding Report," CG-5437, "Tank Vessel Enclosure," CG-840S-2, "Merchant Marine Inspection Requirements," CG-835, and "Waterfront Facility Inspection Report," CG-4200, are available from Supply Center Brooklyn.

/s/ J.W. KIME
Admiral, U. S. Coast Guard
COMMANDANT

- Encl: (1) Marine Environmental Protection and Port
Safety/Security Civil Penalties
- (2) Waterways Management Civil Penalties
- (3) Navigation Rules Civil Penalties
- (4) Bridge Administration Civil Penalties
- (5) Marine Inspection Program Civil Penalties
- (6) Recreational Boating Safety Civil Penalties

MARINE ENVIRONMENTAL PROTECTION AND PORT SAFETY/SECURITY CIVIL
PENALTIES

1. Purpose. The goals of the Marine Environmental Protection and Port Safety and Security Programs are to improve the quality of the marine environment and safety of persons and property on U.S. waterways. Many of the regulations which have been adopted to achieve these goals are minimal standards for vessel and waterfront facility operations. Deviation from the regulations represents a hazard, and may constitute an unacceptable risk to life, property or the marine environment. Civil penalties assessed for violations must serve as a deterrent against persistent noncompliance, as well as against flagrant first offenses.
2. Deterrence Policy - General. *It is imperative that penalties exceed the economic benefits of noncompliance.* For example, the penalty assessed on a person (individual or company) spilling oil must be high enough to induce the person to take steps to prevent spills. If the investigation of a recent oil spill uncovers evidence of a sequence of related spills and/or pollution prevention violations, then the assessment should exceed the total estimate of economic benefits of all the spills and violations proved, within statutory maximums. These economic benefits might include, for example, the sum of all shoreside disposal costs avoided by repeatedly discharging oily waste at sea, or the profits earned by selling one million gallons of extra cargo oil that was carried illegally in dedicated clean ballast tanks. For another example, consider a tankship having operating expenses of \$1600 per hour, charged with violating pollution prevention or port safety regulations to save one hour of operating time. If the penalty assessed does not exceed \$1600, then there is little incentive for future compliance. General deterrence, that is, deterrence of others similarly situated, is also a permissible consideration.
3. Other Enforcement Guidance. There is important guidance in other commandant instructions, including chapter 4 of reference (a) (Marine Safety Law Enforcement), and the new chapter 33 of reference (a) (MARPOL 73/78 Vessel Requirements). These instructions should be consulted for detailed enforcement guidance, not limited to civil penalties. Immediate Captain of the Port enforcement actions, such as detention of a vessel in port, or ordering a vessel out of U.S. waters, are also effective in achieving compliance independent of the penalty process.
4. Penalty Tables. There are four tables in this enclosure, as follows:
 - a. Table 1-A Penalty Classes for Violation of the FWPCA

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4. b. Table 1-B Penalty Classes for Specific CERCLA Violations
 - c. Table 1-C Discharge of Oil or Hazardous Substances in Violation of the FWPCA: Recommended Penalties
 - d. Table 1-D Marine Environmental Protection and Port Safety/Security Violations: Recommended Penalties
5. Civil Penalty Actions Under the FWPCA. The Oil Pollution Act of 1990 amended the civil penalty provisions of the FWPCA. Table 1-A summarizes the civil penalty options available for enforcement. Successively higher penalties can be assessed in each class. There are two classes of Administrative Civil Penalties, which can be assessed by an Administrative Law Judge. There is also a third class of penalty action, called Judicial Civil Penalty, which can be assessed by a federal court judge. *The maximum penalty level for FWPCA violations in Table 1-D is the maximum rate per day under a Judicial Civil Penalty. Because of the graduated scale of maximum penalties under the three different penalty classes, the "maximum Level" of all FWPCA violations in Table 1-D is marked with a footnote (1) for reference back to Table 1-A. In addition, for discharge violations, there is an alternative Judicial Civil Penalty sanction of \$1000 per barrel of oil or unit of reportable quantity of hazardous substance (see Table 1-A). In the statute, the Judicial Civil Penalty clause refers more often to discharges and violations related to discharges, however, there is a provision for Judicial Civil Penalties for violations of pollution prevention and contingency planning regulations. See 33 U.S.C. 1321, Section 311 (b) (7).*
6. Special Penalty Actions for Specific Violations of CERCLA. The Comprehensive Environmental Response, Compensation, and Liability Act (also called the Superfund Act, or CERCLA) has special penalty provisions for specific offenses relating to or following from discharges in violation of the Act. The specific violations are detailed in 42 U.S.C. 9609, Section 109, Civil Penalties and Awards. They include violations relating to notice of releases, destruction of records, financial responsibility, denial and detention orders against vessels entering or leaving U.S. ports, and settlements, administrative orders, consent decrees, or agreements. Maximum penalties for these violations are different from the penalty provisions of the FWPCA. Like the FWPCA, there are three civil penalty options: Class I and Class II Administrative Civil Penalties, and Judicial Civil Penalties. *Table 1-B summarizes the special penalty provisions of CERCLA. These violations are not listed in Table 1-D, the expanded table of recommended penalties for Marine Environmental Protection and Port Safety/Security. These cases should be assessed on a case-by-case basis.*

7. Marine Environmental Protection and Port Safety/Security
Tables of Recommended Penalties.

- a. General. Table 1-D contains recommended penalties for violations of regulations enforced by the Marine Environmental Protection and Port Safety and Security programs. These tables are comprehensive and contain footnotes at the end of applicable tables. Regulations not specifically cited are assigned recommended penalties under the "General" category appearing before various parts or subparts of regulations.
- b. Multiple Discrepancies. The recommended penalty ranges in the table apply to a single occurrence or "count." Multiple discrepancies within the violation aggravate the situation and may call for a higher penalty (e.g., many incorrect shipping names on a dangerous cargo manifest).
- c. Deterrence and Assessments. Stiff civil penalties are warranted for repeated noncompliance and flagrant first offenses. Enforcement officers should recommend higher penalties in these cases. *To achieve deterrence, Table 1-D will be used to ensure that higher penalties are assessed for repeat offenders and flagrant violations. First offenses of a minor nature should be assessed a "First Level" penalty. Second offenses of a minor nature within any 12 month period, or more serious first offenses, should at least be assessed at the "Second Level," and may be assessed higher if warranted. Repeated high frequency violations and flagrant first offenses should be assessed at or near the "Maximum Level."* The concept of "repeat offenses" should not be narrowly construed to limit the occasions for higher penalty assessments. A sequence of two or more various violations by a particular party may constitute a "repeat offense." Commanding Officers must address these matters in their recommendations to the district commander.
- d. MARPOL Enforcement. Because of the special difficulty in detecting and enforcing MARPOL regulations at sea, stiffer penalty levels are warranted for discharges in violation of MARPOL. MARPOL discharges within the waters of the U.S. Exclusive Economic Zone (EEZ), and discharges within Special Areas, have higher recommended penalty levels. *In general, "Maximum Level" penalties should be recommended for any of these discharges, unless strong mitigating factors exist, in which case lower level penalties may be considered.*
- e. General Statutory Considerations. The statutes under which violations are pursued specify factors that must be considered when assessing a penalty. Each statute

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7. e. (cont'd) must be examined when it applies, but generally the factors include: nature, circumstances, gravity, culpability, history of prior offenses, demonstrated good faith, and economic impact of the penalty on the violator. Also, some statutes require minimum civil penalties for violations, and those are indicated in the table.
 - f. Special Statutory Considerations for FWPCA Violations. The FWPCA has special considerations for penalty assessment *which apply to pollution prevention and contingency preparedness violations, as well as discharge violations.* These considerations are detailed in paragraph 8.c below, and should be addressed for all FWPCA violations.
8. Table of Recommended Penalties for Discharges Under the Federal Water Pollution Control Act (FWPCA).
 - a. Discharge Categories. Table 1-C is the table of recommended penalties for oil and hazardous material discharges under the FWPCA. It contains four penalty categories for use in deciding appropriate recommendations for discharge violations. The criteria presented are not intended to be complete or binding. It is not necessary or expected to use every item listed; several of the considerations shown may not be in evidence. The district (m) officer is encouraged to briefly explain why a case falls within the category chosen when it is not obvious from the file, particularly for category "D."
 - b. Deterrence. Deterring discharge violations is one of the primary enforcement goals of the Marine Environmental Protection program. To that end, subsequent *discharge violations of the same category by the same party in any 12 month period should be considered for maximum penalties as indicated in Table 1-C, with due regard for statutory considerations for assessments.* See Table 1-C for category descriptions.
 - c. Statutory Considerations. Section 311(b)(8) of the FWPCA includes several criteria that must be considered when a penalty is assessed. They include: seriousness of the violation(s), economic benefit to the violator, if any, resulting from the violation, degree of culpability, any other penalty for the same incident, any history of prior violations, the nature, extent, and success of violators' efforts to minimize or mitigate the discharge, economic impact of the penalty on the violator, and any other pertinent matters. Section 5. B of reference (a) provides guidance on some of these criteria.

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8. d. Remedial Penalties for Discharges. Civil penalties for discharges under the FWPCA serve a remedial purpose in addition to deterrence, in that they are used to finance the elimination and prevention of pollution. Penalty recommendations for discharges requiring remedial action may warrant higher assessments than those limited only to considerations of deterrence.

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Table 1-A. Penalty Classes for Violations of the FWPCA

<u>Penalty Class</u>	<u>Maximum Allowable Penalty (1)</u>
Class I Administrative Civil Penalty	\$10,000 per violation, not to exceed a total of \$25,000
Class II Administrative Civil Penalty	\$10,000 per day per violation. Other restrictions apply. See FWPCA, Section 311(b) (6) (B) (ii)
Judicial Civil Penalty	\$25,000 per day per violation or \$1,000 per barrel of oil or unit of reportable quantity of hazardous material discharged

Footnotes:

(1) Other Substantial Penalties: The FWPCA also allows substantial penalties for discharges involving failure to remove discharges or failure to comply with administrative orders, failure to comply with regulations, and for discharges resulting from gross negligence or willful misconduct. See the FWPCA, 33 U.S.C. 1321, Section 311(b) (7).

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Table 1-B. Penalty Classes for Specific Violations of CERCLA

<u>Penalty Class (1)</u>	<u>Maximum Allowable Penalty</u>
Class I Administrative Civil penalty	\$25,000 per violation.
Class II Administrative Civil Penalty	\$25,000 per day per violation or \$75,000 per day per violation for subsequent violations
Judicial Civil Penalty	\$25,000 per day per violation or \$75,000 per day per violation for subsequent violations.

Footnotes:

(1) See CERCLA, 42 U.S.C. 9609, Sections 104 and 109 to determine the specific violations subject to these special assessments.

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Table 1-C. Discharge of Oil or Hazardous Substances in Violation of the FWPCA: Recommended Penalties(1)

Discharge		Recommended Penalty
Category	First Level	Maximum Level
Category A	\$1 - \$500 per violation	Maximum under Class I Administrative Civil Penalty. See Table 1-A.
Category B	\$500 - \$5,000 per violation	Maximum under Class I Administrative Civil Penalty. See Table 1-A.
Category C	\$1,000 - \$10,000 per day per violation	Maximum under Class I or Class II Administrative Civil Penalty, or Judicial Civil Penalty. See Table 1-A.
Category D	\$5,000 - \$25,000 per day per violation	Maximum under Class II Administrative Civil Penalty, or Judicial Civil Penalty. See Table 1-A.
or		Other penalties in FWPCA, Section
up to \$1,000 per barrel of oil		311(b) (7) may also
or unit of reportable quantity of hazardous mat'l discharged		apply.(2)

Footnotes:

(1) The recommended penalties for discharges have parameters which are more complex than those stated in paragraph 8 of the basic instruction. See the Discharge Category Descriptions in this table.

(2) Other Substantial Penalties: The FWPCA also allows substantial penalties for discharges involving failure to remove or failure to comply with administrative orders, failure to comply with regulations, and for discharges resulting from gross negligence or willful misconduct. See 33 U.S.C. 1321, Section 311(b) (7).

Table 1-C (cont'd)

CATEGORY DESCRIPTIONS

Category A: Unintentional and small volume oil spill or low threat/small volume hazardous substance release involving noncommercial source, such as recreational boat, private residence, or public service institution; no significant or extensive impact; unexpected or nonpreventable circumstances; no indication of negligence or failure to take reasonable precautions; absence of significant degree of gravity and culpability; no similar violations in the last 12 months.

Category B: Small volume oil spill or low threat/small volume hazardous substance release from commercial or governmental source (except for U.S. owned and operated vessels in non-commercial service); no prior violations of a similar/related nature in the last 12 months; no significant or extensive impact; no negligence, failure to perform, or lapse of professional standards; low expectability or preventability; no significant degree of gravity or culpability.

Category C: Discharge from any source where issues of gravity or culpability are important, for example: the volume or location of the spill; the relative hazard posed by the substance spilled; evidence of negligence, inattention, failure to perform, or a lapse of professional standards; prior violations of a similar/related nature in the last 12 months; evidence of a failure to reasonably anticipate the cause, or to act to stop the discharge; a violation of federal law or regulation, or a failure to observe other applicable law or code, causing or contributing to the discharge.

Category D: Discharge where gravity or culpability clearly calls for a substantial penalty. Intentional discharge, or discharge involving gross negligence, willful misconduct, or failure to comply with regulation or administrative order, or failure to remove without sufficient cause. The latest in a series of similar discharges by the same party; or large volume discharge, or discharge posing a severe hazard, or having a substantial impact. Also, a discharge posing a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildfire, other natural resources, and the public and private beaches and shorelines of the United States). Otherwise, a discharge prompting a judgement that a substantial penalty is warranted (NOTE: the basis for this judgement must be explained).

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Table 1-D. Marine Environmental Protection and Port Safety/Security

Recommended Penalties

		Recommended Penalty Levels		
Specification	Nature of Specification	First	Second	Maximum
33 CFR 126: Waterfront Facility Regulations				
33 CFR 126.15	Designated Waterfront Facilities: Except as noted below, any violation of the regulations in this part.	\$1,000	\$5,000	\$25,000
33 CFR 126.15(c)	Welding or Hot Work: Conducting welding or hot work in the presence of dangerous cargo without COPT approval.	\$2,000	\$10,000	\$25,000
33 CFR 126.15(o) (1)	Control of Liquid Cargo Transfer Systems: Failure to control the liquid cargo transfer system.	\$5,000	\$10,000	\$25,000
33 CFR 126.17	Permits Required: Handling designated dangerous cargo without a permit.	\$10,000	\$15,000	\$25,000
33 CFR 126.21	Permitted Transactions: Failure to meet the conditions prescribed in a designated dangerous cargo permit.	\$5,000	\$10,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 126.28	Ammonium Nitrate, etc: Violation of the general provisions for the materials covered under this part.	\$5,000	\$10,000	\$25,000
33 CFR 126.31	Termination of Suspension of permit: failure to comply with a termination or suspension order.	\$15,000	\$25,000	\$25,000
33 CFR 127: Liquefied Natural Gas Waterfront Facility Regulations				
33 CFR 127	LNG Facilities: Except as noted below, any violation of the regulations in this part.	\$3,000	\$5,000	\$25,000
33 CFR 127.303	Suspension Order: Failure to comply with a suspension order.	\$15,000	\$25,000	\$25,000
33 CFR 127.309	Operations/Emergency Manual: Failure to follow the procedures outlined in the examined operations or emergency manual.	\$5,000	\$10,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty levels		
		First	Second	Maximum
33 CFR 127.321	Release of LNG: Failure to take required actions upon the release of LNG.	\$15,000	\$20,000	\$25,000
33 CFR 127.613: 127.617	Fire Protection: Smoking or fires in the presence of LNG: Welding or hot work without COTP approval.	\$6,000	\$10,000	\$25,000
33 CFR 130: Financial Responsibility for Water Pollution				
33 CFR 130.3(1)	Certificate of Financial Responsibility: Failure of any vessel or vessel operator in any port or navigable waters of the U.S. to have the required COFR for carriage of oil or hazardous substances.	\$10,000	\$15,000	\$25,000
33 CFR 151: Vessels Carrying Oil, NLS, Garbage, and Municipal and Commercial Waste				
33 CFR 151	General: Except as noted below, any violation of the regulations in this part.	\$5,000	\$10,000	\$25,000
33 CFR 151.10	Control of discharge of oil: Discharge of oil or oily mixtures into the sea prohibited when more than 12 nautical miles except when conditions satisfied.	\$10,000	\$15,000	\$25,000

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Table 1-D (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Levels</u>		
		<u>First</u>	<u>Second</u>	<u>Maximum</u>
33 CFR 151.13	Special areas for Annex I: Discharge of oil or oily mixtures into Special areas for Annex I of MARPOL 73/78.	\$15,000	\$20,000	\$25,000
33 CFR 151.15	Reporting requirement: Failure to report a discharge or probability of a discharge.	\$15,000	\$20,000	\$25,000
33 CFR 151.43	Discharge of NLS residues: Failure to properly dispose of NLS residue.	\$10,000	\$15,000	\$25,000
33 CFR 151.45	Reporting spills of NLS: Failure to report spills of NLS Category A, B, C, and D.	\$15,000	\$20,000	\$25,000
33 CFR 151.53	Special areas for Annex V: Discharge of garbage while in a special area.	\$15,000	\$20,000	\$25,000
33 CFR 151.66	Discharge of garbage: Discharge of garbage into the navigable waters of the United States.	\$10,000	\$15,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 151.67	Discharge of plastics: Discharge of plastics or garbage mixed with plastic into the sea or into the U.S. waters.	\$10,000	\$15,000	\$25,000
33 CFR 151.69	Discharge outside special areas: Discharge of garbage that is separated from plastic into the sea.	\$10,000	\$15,000	\$25,000
33 CFR 151.71	Discharge within special areas: Discharge of garbage within a special area.	\$15,000	\$20,000	\$25,000
33 CFR 153: Control of Pollution by oil and Hazardous Substances, Discharge Removal				
33 CFR 151.73	Discharge from platform: Discharge of garbage from a fixed or floating platform or a ship within 500 meters of same.	\$10,000	\$15,000	\$25,000
33 CFR 153.303(1)	Notice of discharge: Failure to provide notification of a discharge of oil or hazardous substance.	\$15,000	\$20,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
33 CFR 153.305(1)	Removal of Discharged Oil: Failure to follow prescribed methods and procedures for the removal of discharged oil.	\$5,000	\$10,000	\$25,000
33 CFR 154: Facilities Transferring Oil or Hazardous Materials in Bulk				
33 CFR 154(1)	General: Except as noted below any violation of the regulations in this part.	\$1,000	\$3,000	\$25,000
33 CFR 154.120(1)	Facility Examination: Failure to allow Coast Guard examination or perform testing to determine compliance with this part.	\$2,000	\$4,000	\$25,000
33 CFR 154.300(1)	Operations manual available: Operations manual not readily available to person in charge.	\$2,000	\$4,000	\$25,000
33 CFR 154.310(1)	Operations manual incomplete: Operations manual not complete.	\$500	\$1,500	\$25,000
33 CFR 154.320(1)	Operations manual ammendments: Failure to ammend operations manual.	\$500	\$1,500	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 154.325(1)	Letters of Adequacy: use of operations manual without a letter of adequacy.	\$2,000	\$4,000	\$25,000
33 CFR 154.550(1)	Emergency shutdown: Failure to provide a means for emergency shutdown.	\$5,000	\$10,000	\$25,000
33 CFR 154.735(1)	Facility Safety Requirements: Failure to comply with facility safety requirements for other than mobile facilities.	\$2,000	\$4,000	\$25,000
33 CFR 154.740(1)	Required records not available.	\$500	\$1,500	\$25,000
33 CFR 154.750(1)	Compliance with ops manual: Failure to comply with operations manual.	\$2,000	\$4,000	\$25,000
33 CFR 154.804 thru 154.850(1)	Vapor Control System: Any violation of these subparts.	\$2,000	\$4,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 155: Oil or Hazardous Material Pollution Prevention Regulations for Vessels				
33 CFR 155	General: Except as noted below, any violation of this part under MARPOL.	\$5,000	\$10,000	\$25,000
33 CFR 155(1)	Any violation of this part under FWPCA.	\$1,000	\$3,000	\$25,000
33 CFR 155.450(1)	Oil pollution placard; Oil pollution placard not posted.	\$100	\$500	\$25,000
33 CFR 155.700(1)	Person in Charge Designation: Failure to designate person in charge of transfer operation.	\$1,000	\$3,000	\$25,000
33 CFR 155.710(1)	Person in charge, Qualification: Transfer of products without a properly licensed or certificated person in charge.	\$2,000	\$4,000	\$25,000
33 CFR 155.720(1)	Transfer Procedures: Failure to have transfer procedures.	\$2,000	\$4,000	\$25,000
33 CFR 155.730(1)	Transfer Procedures, compliance: Failure to comply with transfer procedures.	\$2,000	\$4,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 155.740(1)	Transfer Procedures, available: Transfer procedures not posted or available.	\$2,000	\$4,0000	\$25,000
33 CFR 155.750(1)	Transfer Procedures, content: Incomplete transfer procedures.	\$500	\$1,500	\$25,000
33 CFR 155.760(1)	Transfer Procedure, amendment: Failure to amend transfer procedures.	\$500	\$1,500	\$25,000
33 CFR 155.770(1)	Draining of Oil or Hazardous Materials: Intentionally draining oil/oily waste or hazardous materials from any source into the bilge of any vessel.	\$500	\$1,500	\$25,000
33 CFR 155.780(1)	Emergency Shutdown: Failure to have an emergency shutdown for transfers.	\$2,000	\$4,000	\$25,000
33 CFR 155.785(1)	Communications: Inadequate means of communication during transfer.	\$2,000	\$4,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 155.790(1)	Transfer, Lighting: Inadequate lighting during transfer.	\$2,000	\$4,000	\$25,000
33 CFR 155.800(1)	Transfer Hose: Transfer hose not properly marked.	\$500	\$1,500	\$25,000
33 CFR 155.800(1)	Transfer Hose fails to meet requirements of 33 CFR 154.500.	\$2,000	\$4,000	\$25,000
33 CFR 155.805(1)	Closure Devices: Failure to blank off hoses not connected for the transfer.	\$500	\$1,500	\$25,000
33 CFR 155.810(1)	Tank Vessel Security: Failure to provide required security for tank vessel.	\$2,000	\$4,000	\$25,000
33 CFR 155.815(1)	Tank vessel Integrity: Failure to close any tank vessel openings in this subpart.	\$500	\$1,500	\$25,000
33 CFR 155.820(1)	Records: Required records not available.	\$500	\$1,500	\$25,000
33 CFR 156: Oil and Hazardous Material Transfer Operations				
33 CFR 156, Part A(1)	General: Except as noted below any violation of the regulations in this part.	\$500	\$1,500	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
33 CFR 156.113 (1)	Suspension Order: Failure to comply with suspension order.	\$10,000	\$15,000	\$25,000
33 CFR 156.120 (1)	Requirements for Transfer: Failure to comply with requirements for transfer.	\$2,000	\$4,000	\$25,000
33 CFR 156.125 (1)	Stopping After Discharge: Failure to stop transfer after discharge.	\$5,000	\$10,000	\$25,000
33 CFR 156.130 (1)	Transfer Connections: Improper transfer connections.	\$2,000	\$4,000	\$25,000
33 CFR 156.160 (1)	Supervision by Person in Charge: Conducting transfer without supervision by person in charge.	\$5,000	\$10,000	\$25,000
33 CFR 156.170 (1)	Test, Inspections of Equipment: Transfer equipment not tested and inspected as required.	\$1,000	\$3,000	\$25,000
33 CFR 156: Special Requirements for Lightering Oil and Hazardous Material				
33 CFR 156 Part B (1)	General: Except as noted below any violation of the regulations in these subparts.	\$5,000	\$10,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 156.215 (1)	Pre-arrival Notice: Failure to provide pre-arrival notice.	\$2,000	\$4,000	\$25,000
33 CFR 156.220 (1)	Reporting of Incidents: Failure to provide notice or emergency incidents.	\$10,000	\$15,000	\$25,000
33 CFR 157: Rules for the Protection of the Marine Environment Relating to Tank Vessels Carrying Oil in Bulk				
33 CFR 157	General: Except as noted below, any violation of regulations in this part.	\$5,000	\$10,000	\$25,000
33 CFR 157.13	Designated Observation Area: Inadequate or not properly equipped.	\$1,000	\$3,000	\$25,000
33 CFR 157.23	Cargo and Ballast System Information: Failure to provide, or inadequate.	\$2,000	\$4,000	\$25,000
33 CFR 157.24 157.24a	Submission of Calculations, Plans, and Specifications: Failure to submit.	\$2,000	\$4,000	\$25,000
33 CFR 157.37	Discharge of Cargo Residue: improper discharge.	\$10,000	\$15,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 157.100, 102, 104, 108, and 110	Plans and Models for Crude Oil Washing System, U.S. and Foreign Tank Vessels Failure to submit or provide for inspection.	\$500	\$15,000	\$25,000
33 CFR 157.118	Required Documents for Crude Oil Washing (COW) Systems, Foreign Vessels: Failure to provide while in U.S. Waters.	\$2,000	\$4,000	\$25,000
33 CFR 157.136	Two-way Voice Communication, Tank Vessels with COW systems: Inadequate communications between cargo discharge control stations.	\$2,000	\$4,000	\$25,000
33 CFR 157.138	Crude Oil Washing (COW) Operations and Equip Manual: Incomplete.	\$500	\$1,500	\$25,000
33 CFR 157.148	Crude Oil Washing System: Evidence for Inspections. Failure to submit.	\$500	\$1,500	\$25,000
33 CFR 157.150	COW Operations and Equipment Manual, Recording Information After Inspections: Failure to record.	\$500	\$1,500	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 157.152	Person in Charge of COW Operations: Not qualified as described.	\$2,000	\$4,000	\$25,000
33 CFR 157.154	Assistant Personnel in COW Operations: Not qualified as described.	\$1,000	\$3,000	\$25,000
33 CFR 157.155 thru 157.152	Crude Oil Washing Operations: Any violation of regulations in these parts.	\$5,000	\$10, 000	\$25,000
33 CFR 157 - Subpart E	Dedicated Clean Ballast Tanks on Tank Vessels: Except as noted below, Any violation of regulations in this subpart.	\$5,000	\$10,000	\$25,000
33 CFR 157.200, 202, 206, and 208	Plans for Dedicated Clean Ballast Tanks, U.S. and foreign Vessels: Failure to submit, or incomplete submission.	\$500	\$1,500	\$25,000
33 CFR 157.214, 216	Required Documents, Dedicated Clean Ballast Tanks, U.S. and foreign vessels: Failure to provide or maintain.	\$2,000	\$4,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
33 CFR 157.310	Operations of Vessels exempted from requirements under 33 CFR 157: Failure to comply with conditions of exemption.	\$5,000	\$10,000	\$25,000
CFR 158: Reception Facilities for Oil, Noxious Liquid Substances, and Garbage				
33 CFR 158.115(b)	False or Fraudulent statements: Made a false, fictitious statement or fraudulent representation.	\$15,000	\$20,000	\$25,000
33 CFR 158.135	Certificate of Adequacy: Failure of a port or terminal that receives ships carrying Oily Waste, Noxious Liquid Substances, or Garbage to have the COA required.	\$5,000	\$10,000	\$25,000
33 CFR 158.163	Reception Facility Operations: Failure to comply with the reception facility operation requirements in 33 CFR 158.	\$5,000	\$10,000	\$25,000
33 CFR 158.165	Certificate of Adequacy Change: Failure to notify the COTP in writing within ten days of information changes on the COA.	\$500	\$1,500	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
33 CFR 158.200	Facility refuses to receive acceptable waste within 24 hrs.	\$15,000	\$20,000	\$25,000
33 CFR 158.210 thru 158.240	Oily Waste Facility Capacity Requirements: Any violation of the regulations in these subparts.	\$5,000	\$10,000	\$25,000
33 CFR 158.250	Oily Waste Facility, Standard Discharge Connection: Failure of reception facility that received oily bilge water to have connection.	\$2,000	\$4,000	\$25,000
33 CFR 158.310	NLS reception Facility, General: Failure of a port or terminal that receives Noxious Liquid Substances to meet the general req.	\$1,000	\$3,000	\$25,000
33 CFR 155.320	NLS Reception Facility, Capacities: Failure of a port or terminal that receives Noxious Liquid Substances to have the required capacity.	\$5,000	\$10,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 158.330	NLS Reception Facility, equipment: Failure of a port or terminal that receives Noxious Liquid Substances to have required equipment.	\$2,000	\$4,000	\$25,000
33 CFR 158.410	Garbage Reception Facility, General: Failure of a reception facility to comply with the general requirements.	\$1,000	\$3,000	\$25,000
33 CFR 158.420	Garbage Reception Facility, Capacity: Failure of a reception facility to comply with the capacity requirements.	\$5,000	\$10,000	\$25,000
33 CFR 158.500	NLS Cargo Draining: Failure of a port or terminal that receives Noxious Liquid Substances to prevent draining back to ship.	\$1,000	\$3,000	\$25,000
33 CFR 158.520	NLS Facility Instruction Manual: Failure of a person in charge to ensure that the required instruction manual is followed.	\$5,000	\$10,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 160: Port and Waterways Safety' control of Vessel & Facility Operations (Subpart B)				
33 CFR 160	Ports and Waterways Safety, General: Except as listed below, any violation of the regulations in this chapter.	\$1,500	\$2,000	\$25,000
33 CFR 160.105	Compliance With Orders: Failure to comply with an order pertaining to the control of vessel/facility operations.	\$15,000	\$25,000	\$25,000
33 CFR 160: Ports and Waterways Safety; Notifications of Arrival (Subpart C)				
33 CFR 160.207(a)	Notice of Arrival: Failure of a vessel on a voyage <24 hours to provide notice of arrival at least 24 hours before entering port.	\$1,000	\$2,000	\$25,000
33 CFR 160.207(b)	Notice of Arrival: Failure of a vessel on a voyage >24 hours to provide notice of arrival before departing the port of departure.	\$1,000	\$2,000	\$25,000
33 CFR 160.207(c)	Failure to provide required port arrival information.	\$1,000	\$2,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 160.211(a)	Notice of Arrival; Vessel Carrying Dangerous Cargo: Failure to provide at least 24 hrs advance notice of arrival for a vessel carrying certain dangerous cargoes.	\$2,500	\$5,000	\$25,000
33 CFR 160.211(b)	Notice of Arrival; Barge Carrying Dangerous Cargo: Failure to provide at least 4 hrs advance notice of arrival for a barge carrying certain dangerous cargo.	\$1,500	\$3,000	\$25,000
33 CFR 160.213(a)	Notice of Departure; Vessel Carrying Dangerous Cargo: Failure to provide at least 24 hr advance notice of departure for a vessel carrying certain dangerous cargo. Unless this notification was made within 2 hrs after vessel arrival.	\$2,500	\$5,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
33 CFR 160.213(b)	Notice of Departure; Barge Carrying Dangerous Cargo: Failure to provide at least 4 hr advance notice of departure for a barge carrying certain dangerous cargo. Unless this notification was made within 2 hrs after barge arrival.	\$1,500	\$3,000	\$25,000
33 CFR 160.214	Report of Hazardous Condition: Failure to report a hazardous condition on board a vessel to the cognizant COTP.	\$15,000	\$20,000	\$25,000
33 CFR 165: Limited Access Areas (Subpart C) Safety Zones				
33 CFR 165.23	Safety Zone; Unauthorized Entry: Unauthorized entry, or to have caused or brought an unauthorized vehicle, vessel, or object into a Safety Zone.	\$5,000	\$10,000	\$25,000
33 CFR 165.23(d)	Safety Zone Orders: Failure of a person in a Safety Zone to obey the orders or directions of the COTP of District Commander.	\$15,000	\$25,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
46 CFR SUBCHAPTER D: TANK VESSEL OPERATIONS				
46 CFR 35.01-40(1)	Prevention of Oil Pollution, Tank Vessel Operations: Failure to comply with enumerated laws and regulations.	\$1,000	\$3,000	\$25,000
46 CFR 35.05-15(1)	Watchman for a Tank Vessel: Failure to provide watchman or surveillance.	\$4,000	\$8,000	\$25,000
General Safety Rules				
46 CFR 35.30(1)	General: Except as noted below, any violation of regulations in this subpart.	\$1,000	\$3,000	\$25,000
46 CFR 35.30-5(1)	Prohibited or improper, Fires or Smoking.	\$4,000	\$8,000	\$25,000
46 CFR 35.30-10(1)	Open Cargo Tank Hatches, Ullage Holes, and Butterworth Plates: Improperly opened, without supervision of flame screen.	\$4,000	\$8,000	\$25,000
46 CFR 35.30-20(1)	Emergency Equipment: Insufficient or inoperable.	\$2,000	\$4,000	\$25,000
46 CFR 35.30-25(1)	Prohibited Explosives.	\$10,000	\$15,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
Cargo Handling				
46 CFR 35.35(1)	General: Except as noted below, any violation of regulations in this subpart.	\$1,000	\$3,000	\$25,000
46 CFR 35.35-10(1)	Scuppers and Sea Valves: Not properly secured during transfers.	\$2,000	\$4,000	\$25,000
46 CFR 35.35-20(1)	Inspection Prior to Cargo Transfer: Failure to inspect, or inadequate inspection.	\$2,000	\$4,000	\$25,000
46 CFR 35.35-40(1)	Conditions, Prohibiting Cargo Transfers: Conducting cargo operations during severe electrical storms or with fires on the wharf or tanker.	\$4,000	\$8,000	\$25,000
Vapor Control Systems				
46 CFR 39(1)	General: Except as noted below, any violation of regulations in this part.	\$2,000	\$4,000	\$25,000
46 CFR 39.10-13(1)	Submission of Designs, Vapor Control Systems: Failure to submit.	\$500	\$1,500	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
46 CFR 40: Carrying Certain Flammable or Combustible Dangerous Cargoes in Bulk, Special Divisions				
46 CFR 40	General: Except as noted below, any violation of regulations in this part.	\$5,000	\$10,000	\$25,000
46 CFR 40.15-1	Vinyl Chloride (Vinyl Chloride Monomer). Condition of carriage: Failure to comply.	\$4,000	\$8,000	\$25,000
46 CFR Part 147 - Hazardous Ships' Stores				
46 CFR 147.15	Hazardous Ships' Stores, General: Except as listed below, any violation of the regulations in this chap.	\$500	\$2,500	\$5,000
46 CFR 147.40	G-MTH Approval: Hazardous materials as listed found on board a vessel as ship's stores without approval from Commandant.	\$1,500	\$5,000	\$5,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
46 CFR 147.60(a)	Compressed Gases: Having on board as hazardous ships' stores compressed gases stored in cylinders where the cylinders are a) not authorized for the gas contained therein, or b) have exceeded their last hydrostatic test date, or c) are not filled, marked, or inspected in accordance with the requirements.	\$1,500	\$5,000	\$5,000
46 CFR 147.60(b)-147.90	Compressed Gases: Improper stowage or care of cylinders, quantities on board exceed regulatory limits, cylinders not protected from heat.	\$1,000	\$5,000	\$5,000
46 CFR 147.95	Explosives: Improper stowage or carriage of explosives, ammunition, or pyrotechnic devices as ships' stores.	\$2,500	\$5,000	\$5,000
46 CFR 147.100	Radioactive Materials: Unlicensed or improper stowage or carriage of radioactive materials as ships' stores.	\$2,500	\$5,000	\$5,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
46 CFR Part 147A - Shipboard Fumigation				
46 CFR 147A.5	Shipboard Fumigation, General: Except as listed below, any violation of the regulations in this chapter.	\$2,500	\$5,000	\$25,000
46 CFR 147A.10	Notice to COTP: Failure to notify the Captain of the Port at least 24 hours before fumigation.	\$5,000	\$10,000	\$25,000
46 CFR 147A.5 Special Permits	Special Permit 52-75 & Special Permit 2-75: Except as noted below, any violation of the conditions prescribed in the permit for shipment by cargo vessel of freight containers with contents under fumigation or the fumigation of unmanned barges.	\$2,500	\$10,000	\$25,000
46 CFR 147A.5	Special Permit 52-75:	\$10,000	\$15,000	\$25,000
49 CFR 173.9(b) Special Permits	Failure to placard a container that has been fumigated in accordance with the requirements.			

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
46 CFR Part 148 - Carriage of Solid Hazardous Materials in Bulk				
46 CFR 148.01-7	Permitted Cargoes: Transporting unlisted cargo without Commandant authority or transporting a mixture of two or more cargoes without authority.	\$10,000	\$15,000	\$25,000
46 CFR 148.02-1	Shipping Papers Bulk: Failure to have properly prepared shipping papers for solid hazardous material in bulk.	\$5,000	\$10,000	\$25,000
46 CFR 148.02-3	Dangerous Cargo Manifest: Failure to have a properly prepared Dangerous Cargo Manifest for solid hazardous material in bulk.	\$10,000	\$15,000	\$25,000
46 CFR 148.03-3	Direction and Observation: Failure to properly direct or observe onloading/offloading of solid hazardous material in bulk.	\$5,000	\$10,000	\$25,000
46 CFR 148.03-5	Preparation for Loading: Failure to properly prepare vessel holds before loading of solid hazardous material in bulk.	\$10,000	\$15,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
46 CFR 148.03-7	Inspections During Transport: Failure to comply with the requirements for inspections of solid hazardous material in bulk during transport.	\$5,000	\$10,000	\$25,000
46 CFR 148.03-11	Stowage Bulk HAZMAT: Failure to comply with the stowage requirements for solid hazardous materials in bulk.	\$10,000	\$15,000	\$25,000
46 CFR 148.03-03	Off-load Clean-up: Failure to properly clean holds after off-load of solid hazardous materials in bulk.	\$5,000	\$10,000	\$25,000
46 CFR 148.04-1 -	Special Requirements:	\$10,000	\$15,000	\$25,000
46 CFR 148.04-23	Failure to comply with the special requirements for listed cargoes.			

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
46 CFR 151: Barges Carrying Bulk Liquid Hazardous Material Cargoes				
46 CFR 151	General: Except as noted below, any violation of the operational regulations in this part.	\$1,000	\$3,000	\$25,000
46 CFR 151.12-10	Operation of Oceangoing non-self propelled ships Carrying Category D NLS: Improper operations.	\$5,000	\$10,000	\$25,000
46 CFR 151.13	Cargo Segregation: Improper segregation of bulk dangerous cargoes.	\$5,000	\$10,000	\$25,000
46 CFR 151.20	Cargo Transfer: Any violation of this subpart.	\$2,000	\$4,000	\$25,000
46 CFR 151.45-4	Cargo Handling Requirements for Bulk Liquid Hazmat: Failure to comply.	\$5,000	\$4,000	\$25,000
46 CFR 151.50	Special Requirements for Bulk Liquid Hazmat: Failure to comply.	\$2,000	\$4,000	\$25,000
46 CFR 153: Ships Carrying Bulk Liquid, Liquefied Gas, or Compressed Gas Hazardous Materials				
46 CFR 153 - Subpart C	Operations: Except as noted below any violation of regulations in this subpart.	\$1,000	\$3,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
46 CFR 153.900 thru 153.912	Documents and Cargo Information: Failure to provide as required.	\$500	\$1,500	\$25,000
46 CFR 153.930 thru 153.933, and 153.935	General Vessel Safety: Failure to comply.	\$2,000	\$4,000	\$25,000
46 CFR 153.934	Entry into spaces containing cargo vapor: Failure of master to ensure safeguards.	\$5,000	\$10,000	\$25,000
46 CFR 153.936	Illness, Alcohol, Drugs: Allowing unfit person to participate in cargo ops.	\$10,000	\$15,000	\$25,000
46 CFR 153.957	Person in Charge of Transfer Operations: Not properly designated.	\$1,000	\$3,000	\$25,000
	Person in Charge not qualified.	\$5,000	\$10,000	\$25,000
46 CFR 153.975	Preparation for Cargo Transfer: Failure to make proper preparations.	\$5,000	\$10,000	\$25,000
46 CFR 153.977	Supervision of Cargo Transfer: Failure to supervise as required.	\$5,000	\$10,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
46 CFR 153.1000 thru 153.1065	Special Cargo Procedures: Failure to comply.	\$5,000	\$10,000	\$25,000
46 CFR 153.1100 thru 153.1130	Handling of Categories A, B, C, and D Cargo and NLS Residue: Failure to comply with procedures.	\$1,000	\$3,000	\$25,000
46 CFR 153.1132	Reporting Spills and Non-complying discharges, NLS: Failure to report.	\$15,000	\$20,000	\$25,000
46 CFR 153.1500 thru 153.1608	Maintenance Test and Calculation Procedures: Any Violation of these regulations.	\$1,000	\$3,000	\$25,000
46 CFR 154 - Bulk Liquefied Gas Vessels (Subpart E - Operations)				
46 CFR 154.1800 thru 154.1872	General: Except as noted below, any violation of the regulations in this subpart.	\$3,000	\$5,000	\$25,000
46 CFR 154.1800	Special Operating Requirements: Fires, matches, or smoking where prohibited.	\$5,000	\$10,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
46 CFR 154.1810	Cargo Manual: Operating a vessel without a cargo manual.	\$4,000	\$6,000	\$25,000
46 CFR 154.1826	Cargo Tanks/Sampling: Unauthorized opening of cargo tanks or cargo sampling.	\$6,000	\$10,000	\$25,000
49 CFR Part 171 - Hazardous Materials Regulations (3) General Regulations				
49 CFR 171.12(a)	Failure to inform foreign shipper and U.S. forwarding agent of 49 CFR requirements applying to a shipment within U.S.	\$6,000	\$8,000	\$25,000
49 CFR 171.15	Failure to give immediate notice of certain incidents.	\$7,500	\$10,000	\$25,000
49 CFR 171.16	Failure to file a DOT 5800.1 Hazardous Materials Incident Report within 30 days following an unintentional release of hazardous materials in transportation.	\$1,800	\$2,500	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
Hazardous Materials Regulations - Shipping Papers and Dangerous Cargo Manifest (DCM)				
Shipping Papers				
49 CFR 172.200 (a) 176.24	Failure to prepare shipping papers for a shipment of hazardous materials.	\$2,500	\$5,000	\$25,000
49 CFR 172.202	Improper or incomplete description of hazardous material on shipping papers.	\$1,000	\$3,000	\$25,000
49 CFR 172.203	Failure to provide additional descriptive requirements for certain hazardous material entries.	\$1,000	\$2,500	\$25,000
49 CFR 172.204	Failure to provide shipper's certification.	\$1,500	\$3,000	\$25,000
49 CFR 172.602	Failure to provide emergency response information.	\$1,000	\$2,500	\$25,000
49 CFR 172.604 176.30 (a) (3)	Failure to list an emergency response telephone number.	\$1,000	\$2,000	\$25,000

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
Dangerous Cargo Manifest (DCM)				
49 CFR 176.30(a)	Failure to prepare Dangerous Cargo Manifest.	\$10,000	\$15,000	\$25,000
49 CFR 176.30(a)	Dangerous Cargo Manifest missing vessel name, official number, or nationality.	\$900	\$1,600	\$25,000
49 CFR 176.30(a)	Dangerous Cargo Manifest missing shipping name, hazard class, identification number, or packing group of hazardous materials on board.	\$1,000	\$5,000	\$25,000
49 CFR 176.30(a)	Failure to provide number, description and weight of packages and stowage location aboard the vessel on the DCM.	\$900	\$2,400	\$25,000
49 CFR 176.30(a) (6)	Failure to provide	\$900	\$2,400	\$25,000
49 CFR 172.203	additional descriptive requirements for certain hazardous material entries on the DCM.			

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Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
49 CFR 176.30(a)	Material not subject to 49 CFR or the IMDG Code listed on the DCM.	\$900	\$1,600	\$25,000
49 CFR 176.30(a)	Dang. Cargo Manifest not	\$25,000	\$5,000	\$25,000
49 CFR 176.30(d)(3)	kept near bridge (vessels) or in a readily accessible location (barges).			
49 CFR 176.30(a)(3) 172.604	Failure to list an emergency response telephone number on DCM.	\$1,000	\$2,000	\$25,000
49 CFR 176.30(b)	DCM Shipper's Certification not signed and dated by preparer.	\$900	\$1,600	\$25,000
49 CFR 176.30(c)	DCM not signed by Master or licensed deck officer.	\$900	\$1,600	\$25,000
49 CFR 176.30	All other shipping paper or DCM Violations.	\$650	\$1,000	\$25,000

Marking, Labeling, and Placarding.

Marking

49 CFR 172.301(a)	Failure to mark shipping name and identification number on package, or incorrect shipping name/id number marked on package.	\$900	\$2,400	\$25,000
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Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
49 CFR 172.312	Failure to mark packages of liquid hazardous materials with packaging orientation marking arrows to indicate update position of the inside packages.	\$1,200	\$1,800	\$25,000
49 CFR 172.313	Failure to mark packages of poisonous hazardous materials with the words "Inhalation Hazard" or "Poison" when required.	\$1,200	\$1,800	\$25,000
49 CFR 172.320	Failure to mark packages of explosive hazardous materials with the EX-number for each article in the package.	\$2,500	\$5,000	\$25,000
49 CFR 172.326	Failure to mark portable tank with hazardous material proper shipping name, owner, and identification number.	\$900	\$2,400	\$25,000
Labeling				
49 CFR 172.400	Failure to provide label on package of hazardous material.	\$2,100	\$2,500	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
49 CFR 172.401(a) (2)	Label is for hazard class other than what is being offered.	\$2,400	\$3,600	\$25,000
49 CFR 172.401(a) (1)	Label present on a package containing a nonhazardous material.	\$750	\$1,000	\$25,000
49 CFR 172.402.(a)	No subsidiary hazard label.	\$1,200	\$1,800	\$25,000
49 CFR 172.407	Label is correct but wrong size.	\$900	\$1,600	\$25,000
Placarding				
49 CFR 172.504(a)	Failure to provide placards when required. Placards are for hazard	\$2,100	\$2,500	\$25,000
49 CFR 172.504(a)	class other than what is being offered.	\$2,400	\$6,000	\$25,000
49 CFR 172.505	No subsidiary hazard placards.	\$1,200	\$1,800	\$25,000
49 CFR 173.9(b)	Failure to provide FUMIGANT placard for cars, truck bodies, freight containers, on trailers which have been fumigated.	\$10,000	\$25,000	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
49 CFR	All other marking, labeling, or placarding violations.	\$900	\$1,600	\$25,000
Packaging				
49 CFR 173.24	Offering hazardous materials for transportation in nonspecification or unauthorized inner packages.	\$2,000	\$3,500	\$25,000
49 CFR 173.24	Offering hazardous materials for transportation in nonspecification or unauthorized packagings.	\$3,600	\$5,000	\$25,000
49 CFR 173.24 176.50	Offering hazardous materials for transportation in packaging which leaks during conditions normally incident to transportation.	\$5,000	\$10,000	\$25,000
49 CFR 173.24(h)	Failure to provide the required outage for a shipment of hazardous material, causing a release of hazardous material.	\$7,500	\$12,500	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
49 CFR 173.25(a)(4)	Failure to mark an overpack with a statement indicating that the inside packages comply with prescribed specifications when specification packagings are required.	\$1,800	\$3,600	\$25,000
49 CFR 173.301(c) 173.34	Offering compressed gas for transportation in a cylinder which is out of test.	\$3,600	\$5,000	\$25,000
49 CFR	All other packaging violations.	\$900	\$5,000	\$25,000
49 CFR	All other packaging violations.	\$900	\$5,000	\$25,000
IM Portable Tanks				
49 CFR 173.32b(a) 173.32c(c)	Offering an IM Tank for transportation which has not been hydrostatically retested in last five years.	\$3,600	\$4,800	\$25,000
49 CFR 173.32b(b) 173.32c(c)	Offering an IM Tank for transportation which has not been visually inspected in the last 2 1/2 years.	\$2,400	\$3,600	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
49 CFR 173.32b 173.32c(c)	No visual inspection, hydrostatic retest, or removal and test of pressure relief valves.	\$6,000	\$8,000	\$25,000
49 CFR 173.32c(k)	Failure to provide the required outage for a shipment of hazardous material, causing a release of hazardous material.	\$7,500	\$12,500	\$25,000
49 CFR Part 176 - Hazardous Materials Regulations - Carriage By Vessel General				
49 CFR 176.39	Failure to inspect hazardous materials cargo every 24 hours.	\$2,500	\$5,000	\$25,000
49 CFR 176.48	Failure to give notice of	\$7,500	\$10,000	\$25,000
49 CFR 171.15	fire or other hazardous conditions.			
	Unauthorized welding or	\$5,000	\$7,500	\$25,000
49 CFR 176.54	burning on vessel carrying explosives or other hazardous materials.			

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
49 CFR 176.58	Failure to properly prepare vessels holds, compartments, decks, gangways, hatches and cargo ports prior to the handling and stowage of hazardous materials.	\$5,000	\$10,000	\$25,000
49 CFR 176.60	Failure to post "No Smoking" sign when required.	\$1,800	\$3,000	\$25,000
49 CFR 176.63	Improper stowage of hazardous materials.	\$5,000	\$10,000	\$25,000
49 CFR 176.69				
49 CFR 176.69(d) 176.76(a) (2)	Packages of hazardous materials not secured and dunnaged to prevent movement in any direction.	\$3,000	\$10,000	\$25,000
49 CFR 176.80 176.83	Improper segregation of hazardous materials.	\$5,000	\$10,000	\$25,000
49 CFR 176.200(d) 176.331 176.419 176.600 176.800(a)	Poisons improperly stowed with foodstuffs.	\$5,000	\$15,000	\$25,000
Explosives				
49 CFR 173.51(b) 173.56(b)	Offering unapproved explosives for transportation.	\$10,000	\$25,000	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
49 CFR 173.54(e) 176.156	Offering or accepting leaking or damaged packages of explosives for transportation.	\$10,000	\$25,000	\$25,000
49 CFR 176.4	Division 1.1 and 1.2 explosives loaded or unloaded from vessel at unauthorized facility.	\$10,000	\$25,000	\$25,000
49 CFR 176.100 176.99	Failure to obtain COTP permit to handle Division 1.1 and 1.2 explosives.	\$10,000	\$25,000	\$25,000
49 CFR 176.415 176.99	Failure to obtain permit to handle Division 1.5 materials (blasting agents), ammonium nitrate and certain ammonium nitrate mixtures.	\$7,500	\$15,000	\$25,000
49 CFR 176.104	Failure to comply with the requirements for loading and unloading Class 1 materials (explosives).	\$2,500	\$10,000	\$25,000
49 CFR 176.112 176.116	Improper stowage of Class 1 Materials (Explosives).	\$7,500	\$25,000	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
49 CFR 176.140 176.146	Improper segregation of Class 1 Materials (Explosives).	\$7,500	\$25,000	\$25,000
49 CFR 176.162	Unauthorized persons allowed access to spaces where Class 1 materials (Explosives) are stowed.	\$2,500	\$3,000	\$25,000
49 CFR 176.172(a)	Offered freight container of Class 1 Materials (explosives) which lacked required CSC Approval Plate.	\$5,000	\$7,500	\$25,000
49 CFR 176.172(a)	Offered freight container of Class 1 Materials (explosives) which was structurally unserviceable.	\$7,500	\$15,000	\$25,000
49 CFR 176.176	Bravo flag or red light not displayed during loading, handling, or unloading of Class 1 Materials (Explosives).	\$2,500	\$5,000	\$25,000
49 CFR 176.178	Emergency towing wires not equipped on vessel moored or anchored in port area with Class 1 Materials (Explosives) aboard.	\$5,000	\$10,000	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
49 CFR 176.182(f)	Smoking in non-designated area while Class 1 Materials (Explosives) are being handled or stowed.	\$3,500	\$5,000	\$25,000
49 CFR 176.194(c)	Detonators and detonating primers (Division 1.1) stowed with other Division 1.1, 1.2 or 1.3 Materials.	\$10,000	\$25,000	\$25,000
49 CFR - Detailed Requirements				
Subpart H - Class 2 Compressed Gas Materials				
49 CFR 176.200	Failure to comply with the general stowage requirements for Class 2 materials (Compressed gases).	\$5,000	\$10,000	\$25,000
49 CFR 176.205	Failure to comply with requirements for underdeck stowage of Class 2 materials (Compressed gases).	\$5,000	\$10,000	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
49 CFR 176.210	Failure to comply with the requirements for on deck stowage of Class 2 materials (Compressed gases).	\$5,000	\$10,000	\$25,000
49 CFR 176.220	Unauthorized smoking or use of open flame near division 2.1 material.	\$5,000	\$7,500	\$25,000
Subpart I - Class 3 (Flammable) and Combustible Liquid Materials				
49 CFR 176.305	Failure to comply with the general stowage requirements for Class 3 (Flammable) and combustible liquid materials.	\$5,000	\$10,000	\$25,000
49 CFR 176.320	Failure to use non-sparking flashlights near Class 3 (Flammable) liquid.	\$5,000	\$7,500	\$25,000
49 CFR 176.325	Unauthorized smoking or use of open flame near Class 3 (Flammable) or combustible liquid materials.	\$5,000	\$7,500	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
49 CFR 176.340	Failure to comply with the requirements for transporting combustible liquids in portable tanks.	\$3,500	\$5,000	\$25,000
Subpart J - Class 4 (Flammable Solids), Class 5 (Oxidizers and Organic Peroxides) and Division 1.5 (Blasting Agents) Materials				
49 CFR 176.400	Failure to comply with the stowage requirements for Division 1.5 (Blasting Agents), Class 4 (Flammable Solids), and Class 5 (Oxidizers and Organic Peroxide) materials.	\$5,000	\$15,000	\$25,000
49 CFR 176.405	Failure to comply with the stowage requirements for charcoal.	\$5,000	\$10,000	\$25,000
49 CFR 176.410	Failure to comply with the stowage requirements for transporting blasting agents, ammonium nitrate and ammonium nitrate mixtures.	\$5,000	\$15,000	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		
		First	Second	Maximum
Subpart L - Division 2.3 (Poisonous Gas) and Division 6.1 (Poisonous) Materials				
49 CFR 176.600	Failure to comply with the general stowage requirements for division 2.3 (Poisonous Gas) and division 6.1 (Poisonous) materials.	\$5,000	\$10,000	\$25,000
Subpart M - Radioactive Materials				
49 CFR 176.700	Failure to comply with the general stowage requirements for radioactive materials.	\$5,000	\$10,000	\$25,000
49 CFR 176.704	Failure to comply with the requirements for Transport Indexes.	\$5,000	\$10,000	\$25,000
49 CFR 176.708	Failure to comply with the segregation distance requirements for radioactive materials.	\$5,000	\$10,000	\$25,000
Subpart N - Class 8 (Corrosive Materials)				
49 CFR 176.800	Failure to comply with the general stowage requirements for transport of Class 8 (corrosive) materials.	\$5,000	\$10,000	\$25,000

Encl. (1) to COMDTINST 16200.3A

Table 1-D (cont'd)

Specification	Nature of Specification	Recommended Penalty Levels		Maximum
		First	Second	
49 CFR 176.805	Failure to comply with on deck stowage requirements for break-bulk corrosive materials.	\$5,000	\$10,000	\$25,000
Subpart O - Cotton, Vegetable Fibers, Motor Vehicles, Asbestos				
49 CFR 176.900	Failure to comply with the general packaging and stowage requirements for cotton and fibers.	\$5,000	\$10,000	\$25,000
49 CFR 176.905	Failure to comply with the requirements for transport of motor vehicles.	\$2,500	\$5,000	\$25,000

Footnotes:

1

FWPCA violation indicates maximum penalty rate (per violation per day) under a judicial civil penalty action. Different maximums may apply under other civil penalty actions. See paragraph 5 and Table 1-A of this enclosure.

2

Violations under this part may be assessed additional penalties up to \$25,000 per violation per day, under 46 USC 3718, Carriage of Dangerous Cargoes.

3

49 CFR 171.12(b) allows certain hazardous materials shipments prepared in accordance with the IMDG Code to be transported within the United States. For civil penalty cases involving such IMDG Code shipments, the corresponding 49 CFR cite should be referenced.

WATERWAYS MANAGEMENT CIVIL PENALTIES

1. Purpose. The purpose of the Waterways Management Program is to promote safe and environmentally sound use of U.S. waterways by multiple users.
2. Background. One of the primary tools, available to the Coast Guard in its role as "America's Waterway Manager" is through enforcement, using civil penalties, of Statutory and Regulatory requirements as set forth in Title 33, United States Code, including The Ports and Waterways Safety Act and The Oil Pollution Act of 1990. The major sections are:
 - a. Navigation Safety Regulations (33 CFR Part 164). These regulations set standards for vessel operating practices, installation and use of electronic navigation equipment, current charts and publications, and machinery redundancy in critical operating systems. The regulations apply to virtually all self-propelled vessels 1600 gross register tons (GRT) and above to varying degrees, depending upon size, type cargo, and date of construction.
 - b. Vessel Traffic Management Regulations (33 CFR Part 161). These regulations are administered to facilitate the safe and efficient transit of vessel traffic within the navigable waters of the Vessel Traffic Service (VTS) Area or Cooperative Vessel Traffic Management Systems (CVTMS) Area so as to reduce the potential for collisions, groundings, ramming, and the loss of lives, property and environmental harm associated with these incidents.
 - c. Anchorage Regulations, (33 CFR Part 110), Inland Navigation Regulations (33 CFR Part 162) & Regulated Navigation Areas (33 CFR Part 165). These regulations address individual waterways and safety of navigation in specific waterways where the nature of maritime commerce and/or geography or hydrography create hazards to navigation and the potential for injury, environmental harm, and property damage. These regulations apply only within the areas defined in the regulations.
3. Enforcement
 - a. Warnings. Coast Guard Boarding Officers and Inspectors are authorized to issue warnings for minor violations, if the observed violation is a **FIRST OFFENSE**, and there is a willingness on the part of the violator to promptly correct the problem. Warnings may be especially appropriate for recreational boaters who unknowingly violate regulation. The Marine Safety Manual prohibits issuing warnings where the operator is required to be licensed, required safety equipment is not on board, or if the inspector/boarding officer notes three or more violations.

3. b. Other Measures. For some of the regulations there is valuable enforcement guidance in Commandant directives, for example, section 4.N. of reference (a), and Navigation and Vessel Inspection Circulars (NVIC). These directives should be consulted for detailed enforcement guidance, not limited to civil penalties. Immediate Captain of the Port enforcement actions, such as detention of a vessel in Port, or ordering a vessel out of U.S. waters, are effective in achieving compliance, independent of the penalty process.

4. Civil Penalties

- a. General. The Ports and Waterways Safety Act sets forth at 33 U.S.C. 1232 factors that must be considered when a civil penalty is assessed. The factors are: the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires. These factors do not apply to the anchorage requirements found in 33 U.S.C. 471.
- b. Table 2-A Recommended Penalty Ranges. As discussed in paragraph eight of this instruction, these ranges represent recommended penalties for first time or simple negligence violations. The purpose of the penalty is to make non-compliance cost substantially more than compliance; therefore, the penalty should be more than the cost of correcting the deficiency in most cases. In most circumstances the ranges are sufficiently broad to account for the vessel size and type. This is important because smaller commercial and recreational vessels pose much less risk to the environment or public and the threshold at which the civil penalty becomes substantial to them is much lower than for a typical corporation.

Note: Where tables specify different ranges for commercial and recreational vessels, commanding officers and district program managers may use the lower (recreational range) in recommending civil penalties for small commercial vessels such as fishing boats.

Note: The Ports and Waterways Safety Act, 33 U.S.C. 1232(a) provides for civil penalties against the master, the person in charge, or the person designated by the master or person in charge to pilot or control the movement of the vessel. Section 1232(c) provides that any vessel in violation of the Ports and Waterways Safety Act shall be liable in rem for any civil penalty assessed pursuant to section 1232(a) and may be proceeded against in the United States district court for any district in which such vessel may be found.

Encl. (2) to COMDTINST 16200.3A

Table 2-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Low</u>	<u>Recommended Penalty Range</u>	<u>Maximum Penalty Allowed</u>
NAVIGATION SAFETY REGULATIONS				
Navigation Underway-General				
33 CFR 164.11(a)-(b)	Failure to properly man Wheelhouse, or control vessel.		\$5,000 \$7,500	\$25,000
33 CFR 164.11(c)-(i), (k)-(n)	Failure to properly navigate vessel as set forth in paragraphs (c)-(n).		\$3,000 \$4,500	\$25,000
33 CFR 164.11(j)	Failure to have competent helmsman.		\$5,000 \$7,500	\$25,000
33 CFR 164.11(o)	Failure to have anchor ready for letting go.		\$5,000 \$7,500	\$25,000
33 CFR 164.11(p)	Failure to direct vessel considering factors set forth in 164.11(p).		\$3,000 \$4,500	\$25,000
33 CFR 164.11(q)-(s)	Failure to conduct and log required tests.		\$5,000 \$7,000	\$25,000
33 CFR 164.11(t)	Failure to have two steering units online.		\$5,000 \$7,500	\$25,000
Navigation Bridge Visibility				
33 CFR 164.15	Failure to provide adequate visibility as specified.		\$7,500 \$10,000	\$25,000

Table 2-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Low</u>	<u>Recommended Penalty Range High</u>	<u>Maximum Penalty Allowed</u>
Requirements for vessels at anchor				
33 CFR 164.19	Failure to meet anchorage requirements as specified.		\$5,000 \$7,500	\$25,000
Test before entering or getting underway				
33 CFR 164.25	Failure to conduct required tests.		\$5,000 \$7,500	\$25,000
Charts and Publications				
33 CFR 164.33(a)(1)-(2), (b)	Failure to have current charts on board.		\$5,000 \$7,500	\$25,000
33 CFR 164.33(a)(2)-(3)	Failure to have other required publications on board.		\$1,000 \$1,500	\$25,000
Navigation Equipment: all vessels				
33 CFR 164.35	Failure to have required navigation equipment on board.		\$5,000 \$7,500	\$25,000
.35(a)	- Surface navigation radar			
.35(b)	- magnetic compass			
.35(d)	- gyrocompass			
.35(e)	- gyrocompass repeater			
.35(f)	- rudder angle indicator			
.35(h)	- depth sounder			
33. CFR 164.35	Failure to have required navigation equipment aids.		\$1,000 \$1,500	\$25,000
.35(c)				
.35(g)	- magnetic deviation table			
.35(i)	- maneuvering info fact sheet			
.35(j)	- continuous record of depth			
.35(k)-(n)	- relative motion plotting equip. - steering, engine revolution info.			

Encl. (2) to COMDTINST 16200.3A

Table 2-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Low</u>	<u>Recommended Penalty Range High</u>	<u>Maximum Penalty Allowed</u>
Navigation Equipment: Vessels over 10,000 Gross Tons				
33 CFR 164.37(a)	Failure to have independent second radar system as prescribed.		\$5,000 \$7,500	\$25,000
33 CFR 164.37(b)	Failure of tanker to have dual radar system as prescribed.		\$7,500 \$10,000	\$25,000
Automatic Radar Plotting Aids (ARPA)				
33 CFR 164.38	Failure to have ARPA except below:		\$7,500 \$10,000	\$25,000
33 CFR 164.38(d)	Failure to have ARPA unit properly labeled.		\$500 \$1,000	\$25,000
Tanker Steering Gear				
33 CFR 164.39	Failure to meet steering gear requirements as specified.		\$10,000 \$25,000	\$25,000
Devices to indicate Speed and Distance				
33 CFR 164.40	Failure to have required equipment for measuring speed and distance.		\$5,000 \$7,500	\$25,000
Electronic Position Fixing Devices				
33 CFR 164.41	Failure to have required electronic navigation equipment on board.		\$5,000 \$7,500	\$25,000

Encl. (2) to COMDTINST 16200.3A

Table 2-A (cont'd)

<u>Specification</u>	<u>Nature of specification</u>	<u>Low</u>	<u>Recommended Penalty Range High</u>	<u>Maximum Penalty Allowed</u>
Rate of Turn Indicator				
33 CFR 164.42	Failure to have required rate of turn indicator.		\$5,000 \$7,500	\$25,000
Deviation from Rules and Reporting of non operating equipment				
33 CFR 164.53/55	Failure to report broken equipment, disobey COTP directions.		\$5,000 \$7,500	\$25,000
Marine Casualty Reporting and record retention				
33 CFR 164.61	Failure to report marine casualty or maintain records pertaining to casualty.		\$2,500 \$5,000	\$25,000
<u>VESSEL TRAFFIC SERVICES REGULATIONS</u>				
Failure to comply with VTC directions				
33 CFR 161			\$1,000 \$10,000	\$25,000
.105	Puget sound VTS			
.205	CVTMS			
.307	Prince William Sound VTS			
.505	New York VTS			
.711	Berwick Bay VTS			
.807	St. Mary's River VTS			
Failure to have on board VTS Operating Manual/User Manual				
33 CFR 161			\$100 \$250	\$25,000
.106	Puget Sound VTS			
.206	CVTMS			
.306	Prince William Sound VTS			
.506	New York VTS			
.709	Berwick Bay VTS			

Encl. (2) to COMDTINST 16200.3A

Table 2-A (cont'd)

		Recommended Penalty Range	Maximum Penalty	
<u>Specificalon</u>	<u>Nature of Specification</u>	<u>Low</u>	<u>High</u>	<u>Allowed</u>
Failure to obtain authorization to deviate from VTC rules				
33 CFR 161		\$1,000	\$10,000	\$25,000
.108	Puget Sound VTS			
.208	CVTMS			
.309	Prince William Sound VTS			
.508	New York VTS			
.715	Berwick Bay VTS			
.809	St. Mary's River VTS			
Failure to comply with Communication Rules				
33 CFR 161		\$2,000	\$10,000	\$25,000
.112-.124	Puget Sound VTS			
.212-.226	CVTMS			
.320-.332	Prince William Sound VTS			
.520-.532	New York VTS			
.721-.729	Berwick Bay VTS			
.820-.824, .840-.842	St. Mary's River VTS			
Failure to comply with Vessel Movement Report Rules				
33 CFR 161		\$2,000	\$10,000	\$25,000
.127-.137	Puget Sound VTS			
.227-.236	CVTMS			
.334-.342	Prince William Sound VTS			
.536-.538, .542	New York VTS			
.735-.749	Berwick Bay VTS			
.828-.832	St. Mary's River VTS			
Failure to comply with Traffic Separation Scheme Rules				
33 CFR 161		\$2,000	\$10,000	\$25,000
.150-.157	Puget Sound VTS			
.252	CVTMS			
.348-.356	Prince William Sound VTS			

Encl. (2) to COMDTINST 16200.3A

Table 2-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty
		Low	High	Allowed
VTS Area Specific Rules				
33 CFR 161.143	Failure to comply with Puget Sound Navigation restrictions for tank vessels.		\$5,000	\$10,000 \$25,000
33 CFR 161.170-.174	Failure to comply with Rosario Strait Navigation restrictions.		\$5,000	\$10,000 \$25,000
33 CFR 161.370-.374	Failure to comply with Valdez Narrows Rules.		\$5,000	\$10,000 \$25,000
33 CFR 161.376-.378	Failure to comply with special requirements for tank vessels in Prince William Sound VTS.		\$5,000	\$10,000 \$25,000
33 CFR 161.402	Failure to comply with New Orleans vessel operation rules.		\$1,000	\$10,000 \$25,000
33 CFR 161.575	Failure to comply with New York VTS special rules action during reduced visibility.		\$1,000	\$10,000 \$25,000
33 CFR 161.713	Failure to operate in compliance with obstructed narrow channel regulations in Berwick Bay VTS.		\$1,000	\$10,000 \$25,000
33 CFR 161.767-.768	Failure to operate in compliance with high head-water towing restrictions in Berwick Bay VTS.		\$1,000	\$10,000 \$25,000

Encl. (2) to COMDTINIST 16200.3A

Table 2-A (cont'd)

<u>Specification</u>	<u>Nature of specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
33 CFR 161.850-.854	Failure to operate in compliance with traffic rules on St. Marys River.		\$1,000 \$10,000	25,000
33 CFR 161.860-.870	Failure to comply with anchorage rules on St. Marys River.		\$1,000 \$10,000	\$25,000
33 CFR 161.880-.886	Failure to comply with speed rules on St. Marys River.		\$1,000 \$10,000	\$25,000
33 CFR 161.890	Failure to comply with rules for towing vessels on St. Marys River.		\$1,000 \$10,000	\$25,000
33 CFR 161.894	Failure to comply with channel closure and special rules on St. Marys River.		\$1,000 \$10,000	

ANCHORAGE REGULATIONS 33 CFR 110

Failure to Comply with Anchorage reg. of Port & Waterways Safety Act 33 CFR 110.1a

33 CFR 110.1a Subpart A	Failure to comply with special anchorage regulations.			
	Commercial Vessels:	\$2,500	\$3,000	\$25,000
	Recreational Vessels:	\$200	\$600	\$25,000
33 CFR 110.130 Subpart B	Failure to comply with anchorage regulations.		\$100 \$100	\$100
33 CFR 110.155	Failure to comply with Port of New York anchorage grounds regulations.			
	Commercial Vessels:	\$2,500	\$3,000	\$25,000
	Recreational Vessels:	\$200	\$600	\$25,000

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Table 2-A (cont'd)

		Recommended Penalty Range		Maximum Penalty
<u>Specification</u>	<u>Nature of Specification</u>	<u>Low</u>	<u>High</u>	<u>Allowed</u>
<u>INLAND WATERWAYS NAVIGATION REGULATIONS 33 CFR 162</u>				
Failure to comply with regulation as specified in Part 162 (general guidelines)				
Speed excessive so as to endanger other vessels or property	Commercial Vessels:	\$1,000	\$3,000	\$25,000
	Recreational Vessels:	\$200	\$600	\$25,000
Anchoring/mooring operating in a restricted area	Commercial Vessels:	\$1,000	\$3,000	\$25,000
	Recreational Vessels:	\$200	\$300	\$25,000
Restricted operations e.g., no fishing, improper signal	Commercial Vessels:	\$1,000	\$3,000	\$25,000
	Recreational Vessels:	\$200	\$600	\$25,000
Improper tow size or arrangement	Commercial Vessels:	\$1,000	\$3,000	\$25,000
<u>RESTRICTED NAVIGATION AREAS 33 CFR 165</u>				
Failure to comply with regulations as specified in Part 165 (general guidelines).				
No meeting, passing;	Commercial Vessel:	\$1,000	\$3,000	\$25,000
No wake zone;	Recreational Vessels:	\$200	\$600	\$25,000
No stopping, anchoring; Mooring requirements				
Areas of restricted	Commercial Vessels:	\$1,000	\$10,000	\$25,000
operation, (e.g. traffic, weather, tide,oil transfer	Recreational Vessels:	\$200	\$600	\$25,000

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Table 2-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty</u>
		<u>Low</u>	<u>High</u>	<u>Allowed</u>
Draft restrictions;	Commercial Vessels:	\$1,000	\$3,000	\$25,000
Excessive Beam Horsepower requirements;	Recreational Vessels:	\$200	\$600	\$25,000
Improper tow size or arrangement	Commercial Vessels:	\$1,000	\$3,000	\$25,000

NAVIGATION RULES CIVIL PENALTIES

1. Purpose. The purpose of the laws and regulations which make up the navigation rules is to promote safety by preventing collisions, groundings, ramming and the loss of life, property or environmental damage which may ensue.
2. Background. The navigation rules are set forth in 33 U.S. Code, with additional regulations found in 33 CFR. Where other regulations may be affected they are noted below.
 - a. International Regulations for Preventing COLLISIONS at Sea (72 COLREGS) (33 U.S.C. 1608 and 33 CFR Part 81). These rules include collision avoidance rules, sound signals and lighting requirements for vessels operating on the high seas generally, and in U.S. navigable waters where the Inland Navigation Rules do not apply (see lines of demarcation). Cite as statutory violation.
 - b. Inland Navigation Rules (33 U.S.C. 2072 and 33 CFR Part 81). The rules include collision avoidance rules, sound signals and lighting requirements on the internal waters of the U.S. seaward to lines of demarcation. Cite as statutory violation.
 - c. Radio Bridge-to-Bridge Radiotelephone Regulations (33 U.S.C. 1208 and 33 CFR Part 26). These regulations provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio and provide the authority to regulate vessel radio communication.
3. Enforcement.
 - a. Detection of Violations. The primary sources for detecting violations and enforcement of marine information rules and regulations are:

Boardings -- Violations may be discovered during routine law enforcement boardings, or incidental to search and rescue or other activity.

Radio Monitoring -- Coast Guard Vessel Traffic Services maintain a 24 hour radio watch and record all voice communications. This monitoring sometimes detects violations of the Radiotelephone Act.

Inspections -- Periodic inspections of commercial vessels are conducted for the purpose of ensuring compliance with a wide range of applicable laws and regulations, including those related to marine radio and navigation rules.

3. a. (cont'd)

Investigations -- Investigations of marine casualties and other marine incidents frequently reveal violations of laws and regulations related to marine radio use and navigation rules.

b. Enforcement Objectives. Enforcement and education of Navigation Rules is necessary to promote compliance for the safety of navigation, protection of persons, property, and the environment. Enforcement of the Navigation Rules is also important to international and domestic mariners as they rely on their uniformity. In most circumstances, a violation of a Navigation Rule can have serious consequences. Therefore, a violation of the Navigation Rules is not to be taken lightly. Civil penalties are one tool of enforcement of the Navigation Rules. They can be assessed against the operator of a vessel and in most cases against a vessel in rem. Written warnings are another, less severe tool of enforcement.

c. Warnings. Warnings may be issued for incidents which meet the following criteria:

- (1) The violation is a first offense;
- (2) The operator states that the violation will be promptly corrected;
- (3) No more than 2 violations are involved;
- (4) The operator has had no prior written warning within a one year period; and
- (5) There is no marine casualty or marine incident involved, e.g., collision, grounding, loss/damage to property or person, etc.

Note: Written Warnings can be given by the hearing officer for any violations. With respect to the laws and regulations discussed here, boarding officers may only issue warnings for violation of 33 CFR 88.05 (not carrying a copy of the Inland Rules on board).

4. Civil Penalties.

a. General. As discussed in paragraph 8 of this instruction, these ranges represent recommended penalties for first time, or simple negligent violations. The purpose of the penalty is to make non-compliance cost substantially more than compliance, therefore the penalty should be more than the cost of correcting the deficiency in most cases. The ranges are sufficiently broad to allow a substantially lower penalty for recreational and

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4. a. (cont'd) small commercial vessel violators. Violations by smaller vessels pose much less risk to the environment or public and the threshold at which the civil penalty becomes substantial to them is much lower than for a typical corporation.

Note: The 72 COLREGS, Inland Navigation Rules, and the Vessel Bridge-to-Bridge Regulations all provide for penalties against the operator (master, person in charge, or person designated by them to pilot or direct the movement of the vessel) and against the vessel in rem.

- b. Recommended Penalty Ranges. In recommending a penalty amount for a case being referred to the hearing officer, consideration should be given to the following areas:

- (1) Size of the vessel;
- (2) Class of vessel (tanker, cargo, barge, recreational, fishing, commercial trade, towing, etc.);
- (3) Location of the violation (traffic density, inland, international);
- (4) Certificate of inspection;
- (5) History of prior offenses;
- (6) Experience as a licensed operator;
- (7) Gravity of the violation (was collision possible?);
- (8) Whether good seamanship was used by the operator;
- (9) The number of violations cited;
- (10) Outstanding violations; and
- (11) Property or personal damage involved.

- c. Specific considerations. **Offshore Traffic Separation Schemes**. For a violation of 33 CFR 167.10, 33 U.S.C. 1232 sets forth factors that must be considered when a civil penalty is assessed. The factors are: the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

Note: Where tables specify different ranges for commercial and recreational vessels, commanding officers and district program managers may use the lower (recreational vessel range) in recommending civil penalties for small commercial vessels such as fishing boats.

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Table 3-A. Navigation Rules Civil Penalty Ranges

Specification	Nature of Specification	Recommended		Maximum	
		Penalty Range	Penalty		
		Low	High	Allowed	
<u>Vessel Bridge-to-Bridge Radiotelephone Regulations (33 CFR 26)</u>					
Failure to have required radios on board					
33 CFR 26.03, 26.05	Operator penalty	Commercial Vessels:	\$300	\$450	\$500
		Recreational Vessels:	\$150	\$250	\$500
	Vessel penalty, in rem	Commercial Vessels:	\$300	\$450	\$500
		Recreational Vessels:	\$150	\$250	\$500
		Improper use of radiotelephone; improper watch			
		33 CFR 26.04, 26.05, 26.07	Operator penalty	Commercial Vessels:	\$400
Recreational Vessels:	\$100			\$250	\$500
Vessel penalty, in rem	Commercial Vessels:		\$400	\$500	\$500
	Recreational Vessels:		\$150	\$250	\$500

Note: FCC regulations (47 CFR part 80) also require vessels subject to the Bridge-to-Bridge Radiotelephone Act to have ship station licenses and vessel operators to have restricted operator's licenses with fines up to \$10,000.

Table 3-A (cont'd)

		Recommended		Maximum	
		Penalty Range		Penalty	
<u>Specification</u>	<u>Nature of Specification</u>	<u>Low</u>	<u>High</u>	<u>Allowed</u>	
<u>International Regulations for Preventing Collisions at Sea 33 U.S.C. 1608 (33 CFR 81)</u>					
Violation of Rule 2 (Good Seamanship) or other Rules not specified below					
33 U.S.C. 1602	Operator penalty	Commercial Vessels:	\$1,000	\$3,500	\$5,000
		Recreational Vessels:	\$100	\$2,000	\$5,000
	Vessel penalty, in rem	Commercial Vessels:	\$1,000	\$3,500	\$5,000
		Recreational Vessels:	\$100	\$2,000	\$5,000
	Failure to comply with Rules 5-8, 11-19 (Steering and Sailing Rules)				
	33 U.S.C. 1602	Operator penalty	Commercial Vessels:	\$1,000	\$3,500
Recreational Vessels:			\$100	\$2,000	\$5,000
Vessel penalty, in rem		Commercial Vessels:	\$1,000	\$3,500	\$5,000
		Recreational Vessels:	\$100	\$2,000	\$5,000
Failure to comply with Rule 9 (Narrow Channels), Rule 10 (Traffic Separation Schemes)					
33 U.S.C. 1602		Operator penalty	Commercial Vessels:	\$2,500	\$5,000
	Recreational Vessels:		\$500	\$2,500	\$5,000
	Vessel penalty, in rem	Commercial Vessels:	\$2,500	\$5,000	\$5,000
		Recreational Vessels:	\$500	\$2,500	\$5,000

Table 3-A (cont'd)

Specification	Nature of Specification	Recommended		Maximum Penalty Allowed
		Low	High	
Failure to comply with Rules 27-35 (Lights, Shapes & Sound Signals) and Technical Annexes				
33 U.S.C. 1602	Operator penalty			
	Commercial Vessels:	\$1,000	\$3,500	\$5,000
	Recreational Vessels:	\$250	\$1,000	\$5,000
	Vessel penalty, in rem			
	Commercial Vessels:	\$2,000	\$4,000	\$5,000
	Recreational Vessels:	\$250	\$2,000	\$5,000
Failure to comply with Rules 36, 37 (Signal to Attract Attention, Distress Signal)				
33 U.S.C. 1602	Operator penalty			
	Commercial Vessels:	\$2,500	\$5,000	\$5,000
	Recreational Vessels:	\$500	\$2,500	\$5,000
	Vessel penalty, in rem			
	Commercial Vessels:	\$2,500	\$5,000	\$5,000
	Recreational Vessels:	\$500	\$2,500	\$5,000
<u>Inland Navigation Rules 33 U.S.C. 2072 (33 CFR 84-89)</u>				
Violation of Rule 2 (Good Seamanship) or other Rules not specified below				
33 U.S.C. 2002	Operator penalty			
	Commercial Vessels:	\$1,000	\$3,500	\$5,000
	Recreational Vessels:	\$100	\$2,000	\$5,000
	Vessel penalty, in rem			
	Commercial Vessels:	\$1,000	\$3,500	\$5,000
	Recreational Vessels:	\$100	\$2,000	\$5,000

Table 3-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty	
		Low	High	Allowed	
Failure to comply with Rules 5-8, 11-19 (Steering and Sailing Rules)					
33 U.S.C. 2005-2008, 2011-2019	Operator penalty	Commercial Vessels:	\$3,000	\$4,500	\$5,000
		Recreational Vessels:	\$100	\$2,000	\$5,000
	Vessel penalty, in rem	Commercial Vessels:	\$2,000	\$4,000	\$5,000
		Recreational Vessels:	\$100	\$1,000	\$5,000
		Failure to comply with Rule 9 (Narrow Channels), Rule 10 (Traffic Separation Schemes)			
		33 U.S.C. 2009, 2010	Operator penalty	Commercial Vessels:	\$2,500
Recreational Vessels:	\$500			\$2,500	\$5,000
Vessel penalty, in rem	Commercial Vessels:		\$2,500	\$5,000	\$5,000
	Recreational Vessels:		\$500	\$2,500	\$5,000
	Failure to comply with Rules 27-35 (Lights, Shapes & Sound Signals), Technical Annexes I-IV (33 CFR 84.01-87.05)				
	33 U.S.C. 2027-2035,		Operator penalty	Commercial Vessels:	\$100
Recreational Vessels:		\$250		\$1,000	\$5,000
Vessel penalty, in rem		Commercial Vessels:	\$2,000	\$4,000	\$5,000
		Recreational Vessels:	\$250	\$2,000	\$5,000

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Table 3-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty	
		Low	High	Allowed	
Failure to comply with Inland Rules Annex V (Pilot Rules & Lights on Barges and Dredge Pipelines 33 CFR 88.11-88.15)					
33 CFR 88.11-88.15	Operator penalty	Commercial Vessels:	\$1,000	\$3,500	\$5,000
		Recreational Vessels:	\$250	\$1,000	\$5,000
	Vessel penalty, in rem	Commercial Vessels:	\$2,000	\$4,000	\$5,000
		Recreational Vessels:	\$250	\$2,000	\$5,000
	Failure to comply with Rules 36, 37 (Signal to Attract Attention, Distress Signal) (includes improper use of strobe lights in Inland waters)				
	33 U.S.C. 2036, 2037	Operator penalty	Commercial Vessels:	\$2,500	\$5,000
Recreational Vessels:			\$500	\$2,500	\$5,000
Vessel penalty, in rem		Commercial Vessels:	\$2,500	\$5,000	\$5,000
		Recreational Vessels:	\$500	\$2,500	\$5,000
Failure to maintain a copy of the Inland Rule on board					
33 CFR 88.05		Operator penalty	Commercial Vessels:	\$200	\$1,000
	Recreational Vessels:		\$100	\$250	\$5,000

BRIDGE ADMINISTRATION CIVIL PENALTIES

1. Purpose. The purpose of the Bridge Administration Program is to support Congressional intent to retain exclusive jurisdiction over navigable waters in the United States; to maintain freedom of navigation on the navigable waters of the United States and to prevent impairment to navigable streams. The Coast Guard has the duty and responsibility, under authorities delegated to the Commandant, to preserve the public right of navigation (33 U.S.C. 401, 491 to 507, and 525 through 534).
2. Background. General civil penalty procedures have been developed to provide a consistent approach to nationwide activity to facilitate safe passage of vessels through bridge locations by deterring any inconvenience or impediment to navigation which may result from the location, construction, modification, maintenance, or operation of bridges across navigable waters of the United States. Additionally, criminal penalties are assessable under 33 U.S.C. 519 and 533.
3. Enforcement Policy. The Bridge Administration Program emphasis is compliance first and enforcement second. The great majority of people willingly comply with the law, when each knows what the law is. The Bridge Administration enforcement program attempts to resolve issues on an informal basis at the lowest practicable administrative level consistent with the need to develop accurate, relevant, timely and complete violation histories. Civil penalties are assessed generally against those who are uncooperative, are repeat offenders, or completely fail to comply with the law (33 CFR 114.40 - Violations of law).
4. Civil Penalty Ranges.
 - a. Penalty cases should be forwarded to the civil penalty hearing officer only when the situation is beyond use of the informal process by the district bridge administration program manager. The district program manager should recommend to the civil penalty hearing officer a penalty amount at a level high enough to insure compliance and to provide an incentive to avoid such violations in the future. A penalty set too low could be viewed as the cost of a Coast Guard "license" to continue committing violations.
 - b. Bridge Administration regulations are listed in table 4-A, with the maximum penalty permitted by law being \$1,000 per day or occurrence, as appropriate. The penalty list is not intended to be all-inclusive. Table 4-A also contains recommended dollar ranges of penalties for each violation for use by the district program

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4. b. (cont'd) manager when preparing a case to submit to the civil penalty hearing officer. The recommended ranges may not exceed \$1,000 per day or occurrence, as previously indicated.
4. c. In arriving at a recommended dollar penalty for each citation, the district program manager considers such factors as the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires. Although a detailed explanation or justification for the recommended dollar penalties is not necessary, a district program manager may wish to highlight, for the record, any unusual or noteworthy circumstances or considerations.

Table 4-A. Bridge Administration Civil Penalty Ranges

1. Approved Location and Plans (33 U.S.C. 401, 491 & 495):
 - a. Construction or modification of bridges without Coast Guard approval (**33 CFR 115.50(b)**):.....\$500-1,000/day
 - b. Deviation from approved plans without prior Coast Guard approval (**33 CFR 115.50(b)**):.....\$500-1,000/day
2. Bridge Permit Conditions (33 U.S.C. 525(b)):
 - a. Deviation from approved plans for temporary bridge:.....\$250-500/day
 - b. Failure to display and maintain clearance gauges:.....\$150-450/day
 - c. Construction of falsework, cofferdams, or other obstructions without prior Coast Guard approval:.....\$200-1,000/day
 - d. Timely notice not given of construction or modification events affecting navigation:.....\$200-1,000/day
 - e. Channels through the structure not cleared of construction obstructions within time limit:.....\$200-1,000/day
 - f. Failure to remove existing bridge, which will not be replaced when no longer used for transportation purposes, to specific elevation within time limit:.....\$500-1,000/day
 - g. Failure to remove temporary bridge to specific elevation and clear waterway within time limit:.....\$500-1,000/day
 - h. Failure to remove existing, to be replaced, bridge to specific elevation and clear waterway within time limit:.....\$500-1,000/day

Table 4-A (cont'd)

2. Bridge Permit Conditions (33 U.S.C. 525(b) (cont'd)):
 - i. Violation of other permit conditions not enumerated above (except failure to report alternate design chosen or commence and complete construction or modification within time limits - these render the permit null and void):.....\$200-1,000/day
3. Proper Bridge Maintenance (Repair) (33 U.S.C. 494 & 495):
 - a. Failure to install and keep bridge lights and other signals in working order:.....\$300-750/day
 - b. Failure to keep drawbridge machinery in operable condition:.....\$600-1,000/day
 - c. Failure to keep pier protection (fender system) in good repair:.....\$800-1,000/day
 - d. Other instance of unreasonably obstructing or making hazardous the free navigation of a waterway by failure to keep a bridge and accessory works in proper repair not enumerated above:.....\$100-1,000/day
4. Drawbridge Operation 33 U.S.C. 499(c) (per occurrence):
 - a. Vessel owner or operator signaling a drawbridge to open for a non-structural vessel appurtenance unessential to navigation or easily lowered (**33 CFR 117.11**):.....\$200-500

Table 4-A (cont'd)

4. Drawbridge Operation 33 U.S.C 499(c) (per occurrence) (cont'd):

- b. Unreasonable delay in
opening a draw opening
after signal **(33 CFR 117.1d)**:.....\$500-1,000
- c. Violation of special
drawbridge regulations
(33 CFR 117.1):.....\$500-1,000

5. Obstructive Bridges:

- a. Failure to alter obstruc-
tive bridge within time
limit **(33 U.S.C. 494, 502,
and 513)**:.....\$500-1,000/day
- b. Failure to remove obstruc-
tive bridge to specific
elevation within time
limit **(33 U.S.C. 494, 502,
and 519)**:.....\$500-1,000/day

COMMERCIAL VESSEL SAFETY CIVIL PENALTIES

1. Purpose. The Marine Inspection (MI) program administers statutes, regulations and standards for the purpose of promoting safety of commercial vessels and of units operating on the Outer Continental Shelf.
2. Enforcement Measures Generally.
 - a. The civil penalty process is but one of the tools available to the OCMI to achieve compliance with statutory and regulatory requirements and standards. Others include, but are not limited to, initiating suspension and revocation proceedings against merchant seamen's licenses, certificates, or documents; issuing CG-835's requiring correction of deficiencies within a specified time frame; revoking a Certificate of Inspection; intervening under SOLAS provisions; or issuing letters of warning.
 - b. Not all of these mechanisms are available against potentially responsible parties in all situations. For instance, suspension and revocation proceedings may only be used for licensed, certificated, or documented personnel when jurisdiction can be established. Similarly, civil penalty action may only be used in cases involving specific violations of statute or regulation, and penalties may only be assessed against the individuals or entities specified in the statute or regulation. Also, situations may occur which warrant enforcement action against more than one party for a single offense. For example, a failure to operate, maintain, equip, or man a particular vessel as required may be the responsibility of the vessel's owner, operator, agent, master, and/or person in charge.
 - c. The Officer in Charge Marine Inspection (OCMI) must evaluate the nature and seriousness of the offense, the likelihood of recurrence, competing investigative workload, the availability of other remedial actions, and other factors before selecting the proper tool or tools for enforcement purposes. If civil penalty, suspension and revocation, or criminal penalty action is selected, the OCMI must also identify the responsible parties and evaluate each party's degree of culpability.
 - d. This instruction is not intended to imply that civil penalty action is the preferred enforcement method to be used in all situations. The intent of this instruction is to provide general civil penalty enforcement guidance and to provide a standardized method of determining appropriate recommended civil penalty amounts.

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2. e. The term "remedial action" as used in this enclosure includes initiating suspension and revocation proceedings, revoking a Certificate of Inspection (COI), and issuing a letter of warning, as well as initiating civil penalty action. It does not mean mere correction of a deficiency.

3. Vessel Inspection.

- a. Statutory authority and requirements for vessel inspection are contained in 46 U.S.C. Subtitle II; in 43 U.S.C. Chapter 29; and in 33 U.S.C. Chapters 26 and 33. Regulatory requirements are found in 46 CFR and 33 CFR Subchapters N, O, and P.
- b. The MI program maintains a vigorous enforcement policy of ensuring that vessels subject to inspection are in basic compliance with the law. Accordingly, when evidence indicates that a vessel required to be inspected is operating without a certificate of inspection, initiation of civil penalty action is appropriate.
- c. Because the congressional intent of vessel inspection laws is to encourage safety, the thrust of MI enforcement policies for deficiencies uncovered during inspections is to encourage compliance by requiring correction and not through civil penalty assessment. Requiring on the spot correction, issuing a CG-835, or restricting the operation so that the deficiency will no longer exist is sufficient action to correct most deficiencies.
- d. Although simple notification of the deficiency and follow up actions to insure the deficiency is corrected are proper, there may be times when initiation of civil penalty action, and/or other remedial action is appropriate. On this issue the circumstances and conditions vary so greatly that it is difficult to cover all situations. The following categories of deficiencies and actions are offered as general guidance (these categories are not intended to be all inclusive nor are the actions suitable for all cases):
 - (1) Category I - Operating with an expired Certificate of Inspection, being overdue for drydock examination, failing to notify the OCMI of alterations or repairs as required by regulation, and failing to correct deficiencies within a specified time frame are offenses normally warranting the initiation of civil penalty action, and other remedial action.

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3. d. (2) Category II - Required equipment missing during vessel operations. If it can be established that a vessel was operated on a voyage without required equipment, e.g., lifesaving equipment, fire protection equipment, charts, publications, flares, etc., the initiation of civil penalty action, and/or other remedial action is appropriate.
- (3) Category III - The vessel or its required equipment is defective and requires immediate correction. There may be instances where the owners, managing operators, and/or vessel personnel have allowed the vessel or required equipment to reach such a state of disrepair that the initiation of civil penalty action and/or other remedial action is appropriate. In these instances consideration should be given to the prior knowledge or the obviousness of the state of disrepair or defects, and the prior opportunity to correct the situation. Examples include:
- (a) Lifeboat is deteriorated to the extent that it is holed;
 - (b) Safety devices are bypassed;
 - (c) Fire or bilge pump is inoperative;
 - (d) Operating with reduced manning when automatic controls are not functioning properly;
 - (e) The inert gas system or any of its components is inoperative;
 - (f) The vessel's hull is holed or cracked and permanent repairs have not been effected; and
 - (g) Soft patches on the fire main or foam system.
- (4) Category IV - Design deficiencies may be discovered during the plan review process, during the initial inspection for certification, or at subsequent inspections during the life of the vessel. These would not normally warrant remedial action beyond requiring correction, unless modifications were made without the approval of the OCMI. Examples include:
- (a) Inappropriate wiring or other electrical devices;
 - (b) Inadequate means of escape from each space; and
 - (c) Inappropriate piping arrangements.

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3. d. (5) Category V - Required test, drills, and inspections performed by a vessel's crew are important to the overall safety of the vessel. Failure to accomplish such items warrants the initiation of civil penalty action, and/or other remedial action such as suspension or revocation proceedings or a letter of warning.
4. Manning.
 - a. Statutory authority and requirements for the manning of vessels are contained in 46 U.S.C. Part F. Regulatory requirements are contained in 46 CFR Part 15.
 - b. Statutory and regulatory requirements are considered minimums necessary for the safe operation of a vessel. Accordingly, when evidence exists that a vessel is not manned in accordance with its Certificate of Inspection or other applicable requirements, the initiation of civil penalty action, and/or other remedial action is appropriate. When evaluating evidence concerning whether a vessel is manned in accordance with its COI, due consideration shall be given to the provisions of 46 U.S.C. 8101(e) and 46 U.S.C. 8103, which permit the master, under certain conditions, to sail short, or to replace crew members with individuals who are not U.S. citizens.
5. Seamen's Protection and Relief.
 - a. Statutory authority and requirements concerning seamen's protection and relief are contained in 46 U.S.C. Part G. Regulatory requirements are contained in 46 CFR Part 14.
 - b. While Coast Guard personnel no longer perform the duties of Shipping Commissioners, enforcement of statutes and regulations pertaining to seamen's protection and relief remains a function of the Coast Guard. Violations of this type are normally in the realm of labor/management disputes and are frequently non-safety related. Less serious examples would be wage/salary disputes, minor complaints concerning working hours, sailing schedules and accommodations. More serious situations would be crew member complaints concerning vessel seaworthiness or sanitary conditions, an owner/operator or master requiring individuals to routinely work illegally excessive hours when no emergency exists, a master failing to utilize shipping articles when required, a master failing to maintain a logbook or failing to make proper entries therein, as required by law.

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5. c. Situations of this type warrant a case by case evaluation when determining whether or not initiating civil penalty action is appropriate.
6. Tonnage Measurement.
 - a. Statutory authority and requirements for tonnage measurement are contained in 46 U.S.C. Part J. Regulatory requirements are found in 46 CFR Part 69. Measurement under Annex I of the International Convention of Tonnage Measurement of Ships, 1969, is required for U.S. vessels that engage in international voyages; no domestic regulatory applications exist under this Convention.
 - b. Tonnages may have a substantial impact in determining when a vessel is subject to regulatory standards and requirements. Tonnage violations most frequently are found when a vessel is altered but not remeasured.
 - c. Also, tonnages may be subject to adjustment when a vessel changes from a specific operating condition. For instance, a vessel that is entitled to lower tonnage assignments when it carries drill water to offshore drilling units could be subject to higher gross tonnage when it ceases that operation. A vessel that is entitled to tonnage reductions when operating as a passenger vessel may be subject to higher tonnages when it ceases carrying passengers for hire. Other possible violations could include improper tonnage openings, the absence of required tonnage marks, or incorrect placement of the tonnage mark in relation to the vessel's loadline. Failure to ensure that appropriate steps are taken may have adverse safety impacts. Offenses related to tonnage measurement warrant the initiation of civil penalty action and/or other remedial action. Questions regarding the appropriateness of a tonnage assignment should be referred to higher authority.
7. Vessel Documentation.
 - a. Statutory authority and requirements related to vessel documentation are contained in 46 U.S.C. Chapter 121. Regulatory requirements are found in 46 CFR Parts 67 - 68.
 - b. As stated in 46 CFR 67.01-3, "Documentation is required for the operation of vessels in certain trades, serves as evidence of vessel nationality, and, with certain exceptions, permits vessels to be subject to preferred mortgages." Examples of more serious documentation offenses are operating either a documented or undocumented vessel in a trade for which it is not

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7. b. (cont'd) documented, placing a documented commercial vessel under the command of a non-citizen, knowingly providing false information when documenting a vessel, intentionally altering a Certificate of Documentation, etc. Less serious offenses are tardiness in renewing a Certificate of Documentation, inadvertently providing inaccurate information when documenting a vessel, etc.
 - c. The initiation of civil penalty action and other remedial action is appropriate for more serious offenses, and for second or repeated less serious offenses.
8. Load Lines.
 - a. Statutory authority and requirements related to load lines are contained in 46 U.S.C. Part C. Regulatory requirements are found in 46 CFR Parts 42 - 46.
 - b. The assignment of a load line is specifically conditioned upon the structural efficiency and satisfactory stability of a vessel. Proper observance of the assigned load line and related operating requirements is therefore critical to vessel safety. When load line violations are established, initiating civil penalty action or other remedial action is appropriate. Chapter 7, Volume V, of the Marine Safety Manual provides detailed procedures for investigating load line violations.
9. Negligent Operations.
 - a. Statutory penalty provisions concerning negligent operations of a vessel are contained in 46 U.S.C. Section 2302. Regulatory provisions regarding proper use of a vessel against which a determination of negligence could be made are in 33 CFR and 46 CFR.
 - b. Negligence is defined in 46 CFR 5.29 as "the commission of an act which a reasonable and prudent person of the same station, under the same circumstances, would not commit, or the failure to perform an act which a reasonable and prudent person of the same station, under the same circumstances would not fail to perform." This definition is applicable to 46 U.S.C. 2302. A determination of negligence therefore requires a careful evaluation of the act or omission, the circumstances surrounding same, and a comparison with whatever action could have been reasonably expected of a reasonable and prudent person faced with similar circumstances.

9. c. Negligent acts may be divided into several broad categories. The first covers situations in which the act by its nature was obviously negligent, such as operating a vessel while intoxicated. A second category includes those instances in which a presumption of negligence arises, such as when a grounding occurs outside a marked channel. A third category encompasses those instances in which the standard of care must be established against which the act or omission can be compared. A standard of care may be established either through the existence of applicable legal precedents and standards, or by statements made by qualified individuals concerning what their actions would have been under similar circumstances (i.e., expert witnesses).
- d. Unless the negligence is minimal, negligent acts warrant civil penalty action, and/or other remedial action. In evaluating cases for negligence, care must be exercised to determine whether a specific violation of law or regulation has occurred for which a civil penalty provision exists other than that contained in 46 U.S.C. 2302. If so, initiation of civil penalty action for that specific offense is generally preferable to one citing negligent operation of a vessel. In some cases, citing both a specific offense and negligent operation may be appropriate.

10. Reporting Requirements.

- a. Statutory authority and requirements for marine casualty reporting are contained in 46 U.S.C. Chapter 61. Regulatory requirements are contained in 33 CFR Parts 146, 150 and 173, and 46 CFR Parts 4, 26, 35, 78, 97, 109, 167, 185, 196 and 197.
- b. Statutory authority and requirements for owner/operators to report vessels either unheard from or overdue are contained in 46 U.S.C. Section 2306. Regulatory requirements are contained in 46 CFR 4.04.
- c. Failure to submit such reports as required warrants the initiation of civil penalty action and/or other remedial action.

11. Outer Continental Shelf Activities.

- a. Statutory authority and requirements for units engaged in OCS activities are contained in 43 U.S.C. Chapter 29 and in 46 U.S.C. Subtitle II. Regulatory requirements are contained in 33 CFR 140 and in 46 CFR Subchapter I-A.

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11. b. On all units engaged in OCS activities, the Outer Continental Shelf Lands Act, as amended, currently requires the Coast Guard to place the owner or operator of the unit on notice of the deficiency, and to allow that person a "reasonable period" in which to comply by correcting the deficiency. Following a failure to correct deficiencies within the "reasonable period," a civil penalty case should be prepared and forwarded to the Department of the Interior for evaluation in accordance with 33 CFR 140.40. The DOI, if it deems it appropriate, will assess and collect a civil penalty.
 - c. Certain units engaged in OCS activities, however, are also subject to the concurrent statutory and regulatory requirements of 46 U.S.C. and 46 CFR respectively. For these vessels, including U.S. flag MODU's and other vessels required to maintain a valid Certificate of Inspection, civil penalty action may be initiated under the authority of 46 U.S.C. through normal Coast Guard channels. In such cases, the notice and opportunity provisions described above do not apply.
12. Uninspected Vessels.
- a. Statutory authority to require certain equipment for uninspected vessels is contained in 46 U.S.C. Chapters 41, 43, and 45. Regulatory requirements are in 46 CFR Subchapter C and 33 Parts 175 - 177.
 - b. Since the MI program does not routinely board uninspected vessels, violations of statutes and regulations applicable to uninspected vessels will normally be discovered as a result of investigation of marine casualties and complaints. Such violations normally warrant the initiation of civil penalty action and/or other remedial action.
13. Table of Recommended Penalties.
- a. Table 5-A is the marine inspection program table of recommended penalties. It covers most violations within the purview of the MI program. Footnotes are contained on the last page of the table. For violations which are not listed, the district program manager should base the recommended amount on listed violations which are similar in nature.
 - b. Field personnel are reminded that the preceding guidance in paragraph 2 should be used for determining when a report of violation should be submitted. Table 5-A should not be interpreted by field personnel as an indication that a report of violation should be submitted for every deficiency noted during vessel inspections simply because the deficiency appears on the list.

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- c. 46 U.S.C. 2107 sets forth factors that must be considered when a penalty is assessed. These factors are: the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, and history or prior offenses, ability to pay, and other matters that justice requires.

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Table 5-A. Marine Inspection Civil Penalty Ranges

<u>Specification</u>	<u>Nature of Specification</u>	<u>Low</u>	<u>Recommended Penalty Range High</u>	<u>Maximum Penalty Allowed</u>
<u>SUBCHAPTER A - PART 4 - MARINE CASUALTIES AND INVESTIGATIONS</u>				
Subpart 4.04 - Notice of Potential Vessel Casualty				
46 CFR 4.04-1	Failure to notify the Coast Guard there is reason to believe a vessel is lost or imperiled.		\$1,000 \$5,000	\$5,000
Subpart 4.05 - Notice of Marine Casualty and Voyage Records				
46 CFR 4.05-1 & 5	Failure to give proper notice as soon as possible of a marine casualty.		\$500 \$1,000	\$1,000
46 CFR 4.05-10(a)	Failure of a marine employer to report a marine casualty in writing to the OCMI.		\$500 \$1,000	\$1,000
46 CFR 4.05-12(a)-(d)	Failure to make required determination of alcohol or drug use.		\$500 \$1,000	\$1,000
46 CFR 4.05-15(a)	Failure to retain voyage records of a vessel involved in a marine casualty.		\$500 \$1,000	\$1,000
46 CFR 4.05-20	Failure to report accident to aid to navigation.		\$500 \$1,000	\$1,000
Subpart 4.06 - Mandatory Chemical Testing				
46 CFR 4.06-60(a)-(d)	Failure to submit required reports and test results.		\$500 \$1,000	\$1,000

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Table 5-A (cont'd)

Specification	Nature of Specification	Recommended		Maximum
		Low	High	Penalty Allowed
<u>SUBCHAPTER B - MERCHANT MARINE OFFICERS AND SEAMEN</u>				
<u>PART 15 - MANNING REQUIREMENTS</u>				
Subpart C - Manning Requirements; All Vessels (1)				
46 CFR 15.401	Employment of, or service by an individual, outside the restrictions of license/document.	\$1,000	\$3,000	\$10,000
46 CFR 15.410	Operating an assistance towing vessel without appropriate licensed individual.	\$500	\$3,000	\$10,000
Subpart D - Manning Requirements; Inspected Vessels (1)				
46 CFR 15.520	Operating a mobile offshore drilling unit without appropriate licensed individuals.	\$2,000	\$5,000	\$10,000
Subpart E - Manning Requirements; Uninspected Vessels				
46 CFR 15.605	Operating an uninspected passenger vessel without appropriate licensed individuals.	\$500	\$1,000	\$1,000
46 CFR 15.610	Operating an uninspected towing vessel over 26 ft in length, without appropriate licensed individuals.	\$500	\$1,000	\$1,000

Table 5-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty Allowed	
		Low	High		
Subpart F - Limitations and Qualifying Factors					
46 CFR 15.701(1)	Failure to comply with the Officers Competency Certificates Convention, 1936.		\$100	\$100	\$100
46 CFR 15.705(1)	Failure to comply with the requirements for watches and watchstanding.		\$1,000	\$5,000	\$10,000
46 CFR 15.710(1)	Failure to comply with the requirements for working hours.		\$2,000	\$5,000	\$10,000
46 CFR 15.720(1)	Failure to comply with the requirements for use of non-U.S. licensed/documented personnel.		\$500	\$1,000	\$500/person
46 CFR 15.725(1)	Failure to submit the required report of sailing short to OCMI.		\$200	\$1,000	\$1,000
46 CFR 15.730(1)	Failure to comply with the language requirements.		\$100	\$500	\$500
Subpart G - Computations					
46 CFR 15.805(a) (1) (1)	Failure to have a master on a self-propelled seagoing documented vessel of 200 GT and over.		\$2,000	\$5,000	\$10,000
46 CFR 15.805(a) (2) (1)	Failure to have a master on a self-propelled inspected vessel.		\$2,000	\$5,000	\$10,000
46 CFR 15.805(a) (3) (1)	Failure to have a master on a inspected passenger vessel.		\$2,000	\$5,000	\$10,000
46 CFR 15.805(a) (4) (1)	Failure to have a master on a inspected small passenger vessel.		\$1,000	\$4,000	\$10,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
46 CFR 15.805(b) (1)	Failure to have a vessel under the command of a U.S. citizen.	\$2,000	\$5,000	\$10,000
46 CFR 15.810(b) (1)	Failure to have the required number of mates on an inspected vessel.	\$2,000	\$5,000	\$10,000
46 CFR 15.810(c) (1)	Failure to have an individual in charge of the navigation of a self-propelled, uninspected documented vessel of 200 GT and over hold an appropriate license.	\$3,000	\$5,000	\$10,000
46 CFR 15.812(1)	Failure to have a federal pilot on board as required.	\$1,000	\$5,000	\$10,000
46 CFR 15.815(1)	Failure to hold a valid radar observer endorsement as required.	\$1,000	\$5,000	\$10,000
46 CFR 15.820(a) (1)	Failure to have a chief engineer on an inspected mechanically propelled vessel.	\$500	\$500	\$500
46 CFR 15.820(b) (1)	Failure to have a chief engineer on an uninspected mechanically propelled vessel.	\$500	\$500	\$500
46 CFR 15.825(a) (1)	Failure to have an assistant engineer on a mechanically propelled vessel.	\$500	\$500	\$500
46 CFR 15.825(b) (1)	Failure to have the required number of licensed engineers on an inspected vessel.	\$500	\$500	\$500

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
46 CFR 15.835(1)	Employment of, or service by, an unregistered staff officer.	\$100	\$100	\$100
46 CFR 15.840(1)	Failure to have the required number of able seamen.	\$500	\$500	\$500
46 CFR 15.845(1)	Failure to have the required number of lifeboatmen.	\$100	\$100	\$100
46 CFR 15.855(a) (1)	Failure to provide a suitable number of cabin watchmen and fire patrolmen on a passenger vessel at night.	\$500	\$1000	\$1,000
46 CFR 15.855(b) (1)	Failure to provide a suitable number of watchmen on board a fish processing vessel.	\$250	\$500	\$1,000
46 U.S.C. 8103(1)	Failure to comply with citizenship requirements.	\$500	\$500	\$500
46 U.S.C. 8104(a) (1)	Failure to provide an adequate rest period for an officer in charge of the navigation watch.	\$2,000	\$6,000	\$10,000
46 U.S.C. 8104(e) (1)	Requiring individuals to work alternately between the deck and engineering departments.	\$1,000	\$5,000	\$10,000

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Table 5-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty Allowed
		Low	High	
<u>SUBCHAPTER C - UNINSPECTED VESSELS</u>				
<u>PART 25 - REQUIREMENTS</u>				
46 CFR 25.25 thru 25.50	Required equipment missing, inoperable or unserviceable.	\$100	\$500	\$5,000
<u>PART 26 - OPERATIONS</u>				
Subpart 26.20 - Exhibition of Motorboat Operator's License				
46 CFR 26.20-1	Failure to have MBO License in possession and available.	\$200	\$500	\$1,000
Subpart 26.30 - Work Vest				
46 CFR 26.30-1, 5 or 10	Carriage of unapproved buoyant work vests, not separately stowed.	\$100	\$500	\$5,000
<u>PART 28 - COMMERCIAL FISHING INDUSTRY VESSELS</u>				
Subpart B - Requirements for All Vessels				
46 CFR 28.80	Failure to submit the required report of casualty. Personal flotation devices.	\$150	\$500	\$5,000
46 CFR 28.108	Failure to meet the general requirements for lifesaving equipment.	\$100	\$500	\$5,000
46 CFR 28.110	Failure to meet the requirement for life preservers or other personal flotation devices.	\$100	\$500	\$5,000
46 CFR 28.115	Failure to meet the requirement for ring life buoys.	\$100	\$500	\$5,000

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Table 5-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty Allowed
		Low	High	
46 CFR 28.120	Failure to meet the requirement for survival craft.	\$500	\$1,500	\$5,000
46 CFR 28.125	Failure to comply with the stowage requirements for survival craft.	\$100	\$500	\$5,000
46 CFR 28.130	Failure to comply with the requirements for survival craft equipment.	\$100	\$500	\$5,000
46 CFR 28.135	Failure to properly mark lifesaving equipment.	\$50	\$150	\$5,000
46 CFR 28.140	Failure to maintain, inspect or have lifesaving equipment readily accessible and ready.	\$200	\$500	\$5,000
46 CFR 28.145	Failure to equip vessel with proper types and amounts of required distress signals.	\$100	\$250	\$5,000
46 CFR 28.150	Failure to have the required EPIRB on board.	\$200	\$500	\$5,000
46 CFR 28.155	Failure to comply with the conditions for permitted excess fire detection and protection equipment.	\$100	\$200	\$5,000
46 CFR 28.160	Failure to provide the proper type and amount of required portable fire extinguishers.	\$100	\$500	\$5,000
46 CFR 28.165	Failure to post required injury placard.	\$50	\$150	\$5,000

Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
46 CFR 28.205	Failure to have the required fireman's outfits and self-contained breathing apparatus.	\$200	\$500	\$5,000
46 CFR 28.210	Failure to have the required first aid equipment and training.	\$200	\$550	\$5,000
46 CFR 28.215	Failure to have the required guards for exposed hazards.	\$100	\$500	\$5,000
46 CFR 28.225	Failure to equip the vessel with the required navigation information.	\$100	\$200	\$5,000
46 CFR 28.230	Failure to equip the vessel with an operable magnetic steering compass with a deviation table.	\$100	\$200	\$5,000
46 CFR 28.235(a)	Failure to have appropriate anchors and ground tackle.	\$200	\$500	\$5,000
46 CFR 28.235(b)	Failure to equip a non-metallic hull vessel with a radar reflector.	\$100	\$500	\$5,000
46 CFR 28.240	Failure to comply with the requirements for a general alarm system.	\$200	\$500	\$5,000
46 CFR 28.245	Failure to comply with the requirements for communication equipment.	\$300	\$500	\$5,000
46 CFR 28.250	Failure to equip a vessel 36 ft or over with the required high water alarms.	\$200	\$500	\$5,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
46 CFR 28.255	Failure to comply with the requirements for bilge pumps, bilge piping and dewatering systems.		\$200	\$500
46 CFR 28.260	Failure to equip a vessel 79 ft or over with an electronic position fixing device.		\$200	\$500
46 CFR 28.265	Failure to comply with the requirements for providing emergency instructions.		\$200	\$500
46 CFR 28.265	Failure to comply with the requirements for instruction, drills and safety orientation.		\$200	\$500
46 CFR 28.300	Failure to comply with the requirements for vessels constructed or altered after Sept 15,1991.		\$100	\$500
46 CFR 28.500	Failure to comply with the stability requirements for applicable vessels 79 ft or more in length.		\$1,000	\$3,000

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Table 5-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum
		Low	High	Penalty Allowed
<u>SUBCHAPTER D - TANK VESSELS</u>				
<u>PART 30 - GENERAL PROVISIONS</u>				
Subpart 30.01 - Administration				
46 CFR 30.01-10	Failure to conduct alterations or repairs under the direction of the OCMI.	\$5,000	\$10,000	\$25,000
<u>PART 31 - INSPECTION AND CERTIFICATION</u>				
Subpart 31.01 - General				
46 CFR 31.01-1 (>1600 GT)	Failure to have tank vessel inspected biennially/annually.	\$3,000	\$5,000	\$10,000
(<1600 GT)		\$1,000	\$2,000	\$2,000
46 CFR 31.01-15	Failure to make application for inspection.	\$500	\$1,000	\$25,000
Subpart 31.05 - Certificates of Inspection				
46 CFR 31.05-1(a) (>1600 GT)	Operation of a tank vessel without a valid Certificate of inspection.	\$3,000	\$5,000	\$10,000
(<1600 GT)		\$500	\$1,500	\$2,000
46 CFR 31.05-5	Failure to frame and post Certificate of Inspection.	\$500	\$1,000	\$25,000
46 CFR 31.05-10(a) (>1600 GT)	Operation of a tank vessel with an expired Certificate of Inspection.	\$1,000	\$3,000	\$10,000
(<1600 GT)		\$500	\$1,500	\$2,000
46 CFR 31.05-10(c) (>1600 GT)	Operation of a tank vessel with a revoked or suspended Certificate of Inspection.	\$5,000	\$10,000	\$10,000
(<1600 GT)		\$1,000	\$2,000	\$2,000

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Table 5-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty	
		Low	High	Allowed	
Subpart 31.10 - Inspections					
46 CFR 31.10-16(a)	Failure to conduct inspection and certification of cargo gear.	\$1,000	\$2,000	\$25,000	
46 CFR 31.10-17(a)	(>1600 GT) Failure to have tank vessel reinspected.	\$3,000	\$5,000	\$10,000	
	(<1600 GT)	\$1,000	\$2,000	\$2,000	
46 CFR 31.10-18(a)	Failure to perform required tests and inspections of firefighting equipment.	\$5,000	\$10,000	\$25,000	
46 CFR 31.10-18a	Failure to perform required tests and inspections of firefighting equipment on a liquefied gas vessel.	\$5,000	\$10,000	\$25,000	
46 CFR 31.10-21	Failure to perform required drydock, internal structural, and cargo tank internal examinations.	\$1,000	\$5,000	\$10,000	
46 CFR 31.10-22	Failure to notify OCMI whenever vessel is drydocked.	\$500	\$5,000	\$10,000	
46 CFR 31.10-25	Making alterations or repairs which affect the safety of the vessel without notifying OCMI.	\$1,500	\$5,000	\$25,000	

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum</u>
		<u>Low</u>	<u>High</u>	<u>Penalty Allowed</u>
<u>PART 32 - SPECIAL EQUIPMENT, MACHINERY AND HULL REQUIREMENTS</u>				
Subpart 32.50 - Pumps, Piping and Hose for Cargo Handling				
46 CFR 32.50	Cargo pumps, piping and hose for cargo handling damaged/ unauthorized repairs.	\$1,000	\$5,000	\$25,000
Subpart 32.53 - Inert Gas System				
46 CFR 32.53	Operation of a tank vessel without the required, operable inert gas system.	\$1,000	\$5,000	\$25,000
Subpart 32.55 - Ventilation and Venting				
46 CFR 32.55	Operation of a tank vessel without the required, operable ventilation system.	\$1,000	\$5,000	\$25,000
<u>PART 33 - LIFESAVING EQUIPMENT</u>				
Subpart 33.01 - General Lifesaving Requirements				
46 CFR 33.01-15	Failure to have required life-saving equipment provided, maintained, replaced and at all times ready for use.	\$1,000	\$3,000	\$25,000
<u>PART 34 - FIREFIGHTING EQUIPMENT</u>				
Subpart 34.01 - General				
46 CFR 34.01-1	Failure to have required firefighting equipment, maintained and at all times ready for use.	\$1,000	\$3,000	\$25,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum</u>
		<u>Low</u>	<u>High</u>	<u>Penalty Allowed</u>
<u>PART 35 - OPERATIONS</u>				
Subpart 35.05 - Officers and Crew				
46 CFR 35.05-1	Failure to have on board such complement of licensed officers and crew as stated for in the COI.	\$4,000	\$10,000	\$25,000
46 CFR 35.05-15	Failure to have on board a watchman as required.	\$4,000	\$8,000	\$25,000
46 USC 3304(b)	Failure to give notice, to an individual carried in addition to the crew, of the presence of dangerous articles on board the vessel.	\$500	\$1,000	\$1,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended</u>		<u>Maximum</u>
		<u>Low</u>	<u>High</u>	<u>Penalty</u>
<u>Penalty Range</u>				
<u>Allowed</u>				
<u>PART 39 - VAPOR CONTROL SYSTEMS</u>				
Subpart 39.10 - General				
46 CFR 39.10-1	Operation of a vapor control system without the OCMI endorsement of the COI or COC.	\$1,000	\$5,000	\$25,000
<u>SUBCHAPTER E - LOAD LINES</u>				
<u>PART 42 - DOMESTIC AND FOREIGN VOYAGES BY SEA</u>				
Subpart 42.07 - Control, Enforcement and Rights of Appeal				
46 CFR 42.07-50	Failure to take reasonable care to prevent a violation of loading restrictions.	\$5,000*	\$7,500*	\$10,000*
	* Plus an additional amount equal to twice the economic benefit from overloading. The vessel is also liable in rem for the penalty.			
46 CFR 42.09-50(a)	Master or individual in charge of a vessel violating loading restrictions.	\$1,000	\$5,000	\$5,000
Subpart 42.09 - Load Line Assignments and Surveys - General Requirements				
46 CFR 42.09-50(a)	Making unauthorized changes to vessel structure, equipment, arrangement, material or scantlings.	\$1,000	\$2,000	\$5,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended</u>		<u>Maximum</u>
		<u>Low</u>	<u>High</u>	<u>Penalty</u>
				<u>Allowed</u>
<u>SUBCHAPTER G - DOCUMENTATION AND MEASUREMENT OF VESSELS</u>				
<u>PART 67 - DOCUMENTATION OF VESSELS</u>				
Subpart 67.15 - Marking Requirements for Vessel Documentation				
46 CFR 67.15-1 \$500/day	Failure to mark the official number of the vessel as required.	\$100/day	\$500/day	
46 CFR 67.15-3 \$500/day	Failure to mark the name and hailing port of the vessel as required.	\$100/day	\$500/day	
Subpart 67.25 - Subsequent Applications - Renewals, Changes, Etc.				
46 CFR 67.25-1 \$500/day	Failure to renew Certificate of Documentation.	\$100/day	\$500/day	
Subpart 67.45 - Prohibitions				
46 CFR 67.45-1 \$500/day	Alteration of Certificate of Documentation.	\$300/day	\$500/day	
46 CFR 67.45-3 \$500/day	Failure to have recreational vessel under command of a U.S. citizen.	\$100/day	\$100/day	
46 CFR 67.45-3 \$500/day	Failure to have commercial vessel under command of a U.S. citizen.	\$100/day	\$500/day	
46 CFR 67.45-5 \$500/day	Failure to have Certificate of Documentation on board.	\$100/day	\$500/day	
46 CFR 67.45-7 \$500/day	Failure to produce Certificate of Documentation.	\$100/day	\$500/day	

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Low</u>	<u>Recommended Penalty Range High</u>	<u>Maximum Penalty Allowed</u>
46 CFR 67.45-9 \$500/day	Failure to renew Certificate of Documentation.		\$100/day	\$500/day
46 CFR 67.45-11 \$500/day	Failure to surrender Certificate of Documentation.		\$100/day	\$200/day
46 CFR 67.45-13 \$500/day	False application for Certificate of Documentation.		\$300/day	\$500/day
46 CFR 67.45-15 \$500/day	Fraudulent use of Certificate of Documentation.		\$300/day	\$500/day
46 CFR 67.45-17 \$500/day	Improper markings on documented vessel.		\$100/day	\$500/day
46 CFR 67.45-19 \$500/day	Employment of vessel in any trade other than trade covered by the Certificate of Documentation.		\$300/day	\$500/day
46 CFR 67.45-21 \$500/day	Operation of vessel required to be documented without the Certificate of Documentation.		\$300/day	\$500/day
46 CFR 67.45-23 \$500/day	Operation of vessel under an invalid Certificate of Documentation.		\$300/day	\$500/day
46 CFR 67.45-25 \$500/day	Unauthorized name change.		\$100/day	\$500/day

PART 69 - MEASUREMENT OF VESSELS

Subpart A - General

46 CFR 69.5(a) \$20,000/day	Failure to have a vessel measured as required.		\$1,000/day	\$5,000/day
46 CFR 69.17 \$20,000/day	Making false statements of representation for measurement.		\$1,000/day	\$5,000/day

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended</u>		<u>Maximum</u>
		<u>Low</u>	<u>High</u>	<u>Penalty</u>
<u>SUBCHAPTER H - PASSENGER VESSELS</u>				
<u>PART 70 - GENERAL PROVISIONS</u>				
Subpart 70.05 - Application				
46 CFR 70.05-1(a) \$5,000	Failure to comply with the regulations for a passenger vessel.	\$100	\$500	
<u>PART 71 - INSPECTION AND CERTIFICATION</u>				
Subpart 71.01 - Certificate of Inspection				
46 CFR 71.01-1(a) (>1600GT) \$10,000/day	Operation of a passenger vessel without a Certificate of Inspection.	\$3,000	\$5,000	
46 CFR 71.01-1(a) (<1600GT) \$2,000/day	Operation of a passenger vessel without a Certificate of Inspection.	\$1,000	\$2,000	
46 CFR 71.01-5 \$5,000	Failure to frame and post the Certificate of Inspection.	\$100	\$500	
46 CFR 71.01-10(a) & -20 \$10,000/day (>1600GT)	Operation of a passenger vessel after the Certificate of Inspection has expired.	\$1,000	\$3,000	
46 CFR 71.01-10(a) & -20 \$2,000/day (<1600GT)	Operation of a passenger vessel after the Certificate of Inspection has expired.	\$500	\$1,500	
Subpart 71.30 - Reinspection				
46 CFR 71.30-1(a) \$10,000/day (>1600GT)	Failure to conduct reinspection for a passenger vessel.	\$1,000	\$3,000	
46 CFR 71.30-1(a) \$2,000/day (<1600GT)	Failure to conduct reinspection for a passenger vessel.	\$500	\$1,500	

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
Subpart 71.50 - Drydocking				
46 CFR 71.50-3(a)-(f) \$10,000/day (>1600GT)	Failure to conduct drydock examination.		\$1,000	\$3,000
46 CFR 71.50-3(a)-(f) \$2,000/day (<1600GT)	Failure to conduct drydock examination.		\$500	\$1,500
46 CFR 71.50-5(a) \$5,000	Failure to notify the OCMI when a passenger vessel is drydocked.		\$500	\$2,500
Subpart 71.55 - Repairs and Alterations				
46 CFR 71.55-1(a) \$5,000	Making repairs to the hull, machinery, or equipment without the knowledge of the OCMI.		\$1,000	\$3,000
<u>PART 78 - OPERATIONS</u>				
Subpart 78.17 - Tests, Drills, and Inspections				
46 CFR 78.17-1(a) \$5,000	Failure to conduct the required tests, drills or inspections.		\$100	\$1,00
Subpart 78.60 - Compliance With Provisions of Certificate of Inspection				
46 CFR 78.60-1(a) \$5,000	Failure to strictly adhere to all the provisions of the certificate of inspection.		\$1,000	\$3,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum</u>
		<u>Low</u>	<u>High</u>	<u>Penalty Allowed</u>
<u>SUBCHAPTER I - CARGO AND MISCELLANEOUS VESSELS</u>				
<u>PART 90 - GENERAL PROVISIONS</u>				
Subpart 90.05 - Application				
46 CFR 90.05-1(a) \$5,000	Failure to comply with the regulations for a cargo and miscellaneous vessel.	\$100	\$5,000	
<u>PART 91 - INSPECTION AND CERTIFICATION</u>				
Subpart 91.01 - Certificate of Inspection				
46 CFR 91.01-1(a) (>1600GT) \$10,000/day	Operation of a cargo vessel without a Certificate of Inspection.	\$3,000	\$5,000	
46 CFR 91.01-1(a) (<1600GT) \$2,000/day	Operation of a cargo vessel without a Certificate of Inspection.	\$1,000	\$2,000	
46 CFR 91.01-5 \$5,000	Failure to frame and post the original Certificate of Inspection.	\$100	\$500	
46 CFR 91.01-10(a) & -20(a) \$10,000/day (>1600GT)	Operation of a cargo vessel after the COI has expired.	\$2,000	\$5,000	
46 CFR 91.01-10(a) & -20(a) \$2,000/day (<1600GT)	Operation of a cargo vessel after the COI has expired.	\$500	\$1,500	
46 CFR 91.27-1(a) \$10,000/day (>1600GT)	Failure to conduct reinspection for a cargo vessel.	\$2,000	\$5,000	
46 CFR 91.27-1(a) \$2,000/day (<1600GT)	Failure to conduct reinspection for a cargo vessel.	\$500	\$1,500	

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Table 5-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty
		Low	High	Allowed
Subpart 91.37 - Inspection of Cargo Gear				
46 CFR 91.37-5 \$10,000/day	Failure to conduct required tests and examinations of shipboard cargo gear.		\$1,000	\$3,000
Subpart 91.40 - Drydocking				
46 CFR 91.40-3(a)-(g) \$10,000/day (>1600GT)	Failure to conduct drydock examination.		\$2,000	\$5,000
46 CFR 91.40-3(a)-(g) \$2,000/day (<1600GT)	Failure to conduct drydock examination.		\$500	\$1,500
46 CFR 91.40-5(a) \$5,000	Failure to notify the OCMI when a cargo vessel is drydocked.		\$500	\$2,500
Subpart 91.45 - Repairs and Alterations				
46 CFR 91.45-1(a) \$5,000	Making repairs to the hull, machinery, or equipment without the knowledge of the OCMI.		\$1,000	\$3,000
<u>PART 97 - OPERATIONS</u>				
Subpart 97.15 - Tests, Drills, and Inspections				
46 CFR 97.15-1(a) \$5,000	Failure to conduct the required tests, drills or inspections.		\$100	\$500
Subpart 97.50 - Compliance With Provisions of Certificate of Inspection				
46 CFR 97.50-1(a) \$5,000	Failure to strictly adhere to all the provisions of the certificate of inspection.		\$1,000	\$3,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum</u>
		<u>Low</u>	<u>High</u>	<u>Penalty Allowed</u>
<u>SUBCHAPTER I-A - MOBILE OFFSHORE DRILLING UNITS</u>				
<u>PART 107 - INSPECTION AND CERTIFICATION</u>				
Subpart A - General				
46 CFR 107.01 \$5,000	Failure to comply with the regulations for a mobile offshore drilling unit.	\$100	\$500	
Subpart B - Inspection and Certification				
46 CFR 107.211 \$10,000/day	Operation of a mobile offshore drilling unit without a Certificate of Inspection.	\$3,000	\$5,000	
46 CFR 107.231 \$5,000	Failure to conduct the required tests, drills or inspections.	\$100	\$500	
46 CFR 107.259 \$10,000/day	Failure to conduct required inspection and tests of each crane.	\$1,000	\$3,000	

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
46 CFR 107.261 \$10,000/day	Failure to conduct required drydock examination.	\$1,000	\$3,000	
46 CFR 107.269 \$10,000/day	Failure to conduct reinspection for a MODU.	\$1,000	\$3,000	
46 CFR 107.271 \$5,000	Making repairs to the hull, machinery, or equipment without the knowledge of the OCMI.	\$1,000	\$3,000	
46 CFR 107.279 \$5,000	Failure to strictly adhere to all the provisions of the certificate of inspection.	\$1,000	\$3,000	

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Table 5-A (cont'd)

Maximum		Recommended		
Penalty		Penalty Range		
<u>Specification</u>	<u>Nature of Specification</u>	<u>Low</u>	<u>High</u>	<u>Allowed</u>
<u>SUBCHAPTER O - CERTAIN BULK DANGEROUS CARGOES</u>				
<u>PART 150 - COMPATIBILITY OF CARGOES</u>				
Subpart A - Compatibility of Cargoes				
46 CFR 150.110 \$25,000	Failure to comply with the rules for identifying and carrying incompatible hazardous materials in bulk.	\$1,000	\$5,000	
<u>PART 151 - BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL CARGOES</u>				
Subpart 151.04 - Inspection and Certification				
46 CFR 151.04-1(a)	Operation of a tank barge subject to this subchapter without a valid Certificate of Inspection.	\$1,000	\$5,000	\$25,000
46 CFR 151.04-1(c)	Operation of a tank barge carrying a dangerous cargo without a valid endorsement on the Certificate of Inspection.	\$1,000	\$5,000	\$25,000
Subpart 151.45 - Operations				
46 CFR 151.45-1(a)	Failure to comply with the requirements for operations in this Subchapter.	\$1,000	\$3,000	\$25,000
Subpart 151.50 - Special Requirements				
46 CFR 151.50-1	Failure to comply with the special requirements found in this Subpart.	\$1,000	\$3,000	\$25,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended</u>		<u>Maximum</u>
		<u>Low</u>	<u>High</u>	<u>Penalty</u>
<u>PART 153 - SHIPS CARRYING BULK LIQUID, LIQUEFIED GAS OR COMPRESSED GAS HAZARDOUS MATERIALS</u>				
Subpart A - General				
46 CFR 153.1	Operation of a tank ship subject to this Subchapter without a valid Certificate of Inspection.	\$5,000	\$10,000	\$25,000
Subpart B - Design and Equipment				
46 CFR 153, Subpart B	Failure to comply with the requirements for design and equipment in this Subchapter.	\$1,000	\$5,000	\$25,000
Subpart C - Operations				
46 CFR 153, Subpart C	Failure to comply with the operations requirements found in this Subpart.	\$1,000	\$3,000	\$25,000

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Table 5-A (cont'd)

Maximum			Recommended		
Penalty			Penalty Range		
Specification	Nature of Specification	Low	High	Allowed	
<u>SUBCHAPTER R - NAUTICAL SCHOOLS, PART 167 - PUBLIC NAUTICAL SCHOOL SHIPS</u>					
Subpart 167.01 - General Provisions					
46 CFR 167.01-1	Failure to comply with the regulations for a public nautical school ship.		\$100	\$1,000	\$5,000
Subpart 167.15 - Inspections					
46 CFR 167.15-1(a) (>1600GT) \$10,000/day	Operation of a nautical school ship without a Certificate of Inspection.		\$3,000	\$5,000	
46 CFR 167.15-1(a) (<1600GT) \$2,000/day	Operation of a nautical school ship without a Certificate of Inspection.		\$1,000	\$2,000	
46 CFR 167.15-1(b) \$10,000/day	Operation of a nautical school ship after the COI has expired.		\$1,000	\$3,000	
46 CFR 167.15-30 \$10,000/day	Failure to conduct required drydock examination.		\$1,000	\$3,000	
46 CFR 167.15-35(a)	Failure to notify the OCMI whenever the vessel is drydocked.		\$500	\$2,500	\$5,000
Subpart 167.30 - Repairs or Alterations					
46 CFR 167.30-1(a)	Making repairs to the hull, machinery, or equipment without the knowledge of the OCMI.		\$1,000	\$3,000	\$5,000
Subpart 167.60 - Certificates of Inspection					
46 CFR 167.60-10	Failure to frame and post the original certificate of inspection.		\$100	\$500	\$5,000

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Table 5-A (cont'd)

Maximum		Recommended		
Penalty		Penalty Range		
Specification	Nature of Specification	Low	High	Allowed
<u>PART 169 - SAILING SCHOOL VESSELS</u>				
Subpart 169.100 - General Provisions				
46 CFR 169.103(a)	Failure to comply with the regulations for a sailing school vessel.	\$100	\$500	\$5,000
Subpart 169.200 - Inspection and Certification				
46 CFR 169.201(a) \$2,000/day	Operation of a sailing school vessel without a Certificate of Inspection.	\$1,000	\$2,000	
46 CFR 169.207(a) \$2,000/day	Operation of a sailing school vessel after the COI has expired.	\$500	\$1,500	
46 CFR 169.217 \$5,000	Failure to frame and post the original certificate of inspection.	\$100	\$500	
46 CFR 169.225 \$2,000/day	Failure to conduct required reinspection examination.	\$500	\$1,000	
46 CFR 169.229 \$2,000/day	Failure to conduct required drydock examination.	\$500	\$1,000	
46 CFR 169.233(a)	Failure to notify the OCMI whenever the vessel is drydocked.	\$500	\$1,000	\$5,000
46 CFR 169.235	Making repairs to the hull, machinery, or equipment without the knowledge of the OCMI.	\$500	\$1,000	\$5,000
46 CFR 169.824	Failure to strictly adhere to all the provisions of the certificate of inspection.	\$500	\$1,000	\$5,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum</u>
		<u>Low</u>	<u>High</u>	<u>Penalty Allowed</u>
<u>SUBCHAPTER T - SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)</u>				
<u>PART 175 - GENERAL PROVISIONS</u>				
Subpart 175.05 - Application				
46 CFR 175.05-1	Failure to comply with the regulations for a small passenger vessel.	\$100	\$1,500	\$5,000
<u>PART 176 - INSPECTION AND CERTIFICATION</u>				
Subpart 176.01 - Certificate of Inspection				
46 CFR 176.01-1 \$5,000/day	Operation of a small passenger vessel "S" without a Certificate of Inspection.	\$500	\$2,000	
46 CFR 176.01-3 \$5,000/day	Operation of a small passenger vessel "L" without a Certificate of Inspection.	\$1,000	\$5,000	
46 CFR 176.01-15(a) \$5,000/day	Operation of a small passenger vessel "S" after the Certificate of Inspection has expired.	\$500	\$2,000	
46 CFR 176.01-15(b) \$5,000/day	Operation of a small passenger vessel "L" after the Certificate of Inspection has expired.	\$1,000	\$5,000	
46 CFR 176.01-15(c) \$5,000/day	Operation of a small passenger vessel "S" and "L" after the Certificate of Inspection has been revoked, suspended or withdrawn.	\$2,000	\$5,000	
46 CFR 176.01-40(a)	Failure to frame and post the original certificate of inspection.	\$100	\$500	\$5,000

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Table 5-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty
		Low	High	Allowed
Subpart 176.10 - Reinspection				
46 CFR 176.10-1 \$2,000/day	Failure to conduct required reinspection examination.		\$500 \$1,000	
Subpart 176.15 - Drydocking or Hauling Out				
46 CFR 176.15-1(a) \$2,000/day	Failure to conduct required drydock examination.		\$500 \$1,000	
46 CFR 176.15-10(a)	Failure to notify the OCMI when the vessel is drydocked or hauled out to carry out major repairs or alterations affecting the safety of the vessel.		\$500 \$1,000	\$5,000
Subpart 176.20 - Repairs and Alterations				
46 CFR 176.20-1(a)	Making repairs to the hull, machinery, or equipment without the knowledge of the OCMI.		\$500 \$1,000	\$5,000
<u>PART 185 - OPERATIONS</u>				
Subpart 185.20 - Miscellaneous Operating Requirements				
46 CFR 185.20-1	Failure to strictly adhere to all the provisions of the certificate of inspection.		\$500 \$1,000	\$5,000

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Table 5-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum</u>	
		<u>Low</u>	<u>High</u>	<u>Penalty Allowed</u>	
<u>SUBCHAPTER V - MARINE OCCUPATIONAL SAFETY AND HEALTH STANDARDS</u>					
<u>PART 197 - GENERAL PROVISIONS</u>					
<u>Subpart B - Commercial Diving Operations</u>					
46 CFR 197.210	Failure to designate diving supervisor in writing.		\$100	\$500	\$10,000
46 CFR 197.300	Failure to meet the equipment requirements of this subpart.		\$100	\$1,500	\$10,000
46 CFR 197.400	Failure to operate in accordance with the requirements of this subpart.		\$100	\$1,500	\$10,000
46 CFR 197.484	Failure to notify the OCMI of a diving casualty as required by this subpart.		\$100	\$500	\$5,000
46 CFR 197.486	Failure to submit the written report of a diving casualty to the OCMI as required by this subpart.		\$100	\$500	\$5,000

Footnotes:

(1) Any manning violations pertaining to tank vessels are subject to a maximum civil penalty of \$25,000 per 46 U.S.C. 3718.

RECREATIONAL BOATING SAFETY CIVIL PENALTIES

1. Purpose. The purpose of the Recreational Boating Safety (RBS) Program is to minimize the loss of life, personal injury, and property damage associated with the use of recreational boats, through preventive means. This is accomplished through a combination of education and enforcement of operator requirements and manufacturer standards.
2. Background. Since the disbanding of the Coast Guard's Boating Safety Detachments in 1982, Program emphasis has shifted from active on-the-water enforcement to coordination of State boating safety programs. The Coast Guard does continue on-the-water law enforcement activities to a limited extent in areas patrolled by existing units. The Coast Guard also conducts periodic inspections of boat manufacturers to ensure compliance with boat construction and equipment standards. The program consists of informal and technical factory visits and factory investigative audits. The informal and technical visits are primarily educational for the manufacturer, however, a technical visit may lead to a defect notification campaign and/or civil penalty. The audit is meant to be a thorough investigation of a particular problem which may lead to a defect notification campaign and/or civil penalty.
3. Boarding and Inspection Policy. Coast Guard recreational boat boardings are conducted primarily incidental to routine law enforcement boardings or search and rescue. Coast Guard Marine Safety Inspectors generally visit factories annually, depending on the numbers of standards which apply to a factory's products and its susceptibility to noncompliances.
4. RBS Laws and Regulations.
 - a. The act of April 28, 1908 (33 U.S.C. 1233) provides the authority for regulating Regattas and Marine Parades. Title 46 of the United States Code (U.S.C.) provides the authority for regulating safe operation of a vessel, vessel numbering, vessel and associated equipment manufacturing standards, and casualty reporting.
 - b. The Coast Guard administers the regulations for Operating a Vessel while Intoxicated (33 CFR Part 95), Regattas and Marine Parades (33 CFR Part 100), Vessel Numbering and Casualty and Accident Reporting (33 CFR Part 173), State Numbering and Casualty Reporting Systems (33 CFR Part 174), Operator Equipment Requirements (33 CFR Part 175 and 46 CFR Part 25), Correction of Especially Hazardous Conditions (33 CFR Part 177), Defect Notification (33 CFR Part 179), Manufacturer Requirements (33 CFR Part 181), and Boats and Associated Equipment (33 CFR Part 183).

5. Enforcement Policy. The RBS Program emphasis is education first and enforcement second. The great majority of boaters willingly comply with the law, when they know what the law is. Also, the recreational boater is at leisure, escaping the regimen of everyday life. A harsh enforcement program could create animosity among many law-abiding and well-meaning citizens. Nevertheless, enforcement gives teeth to the education process and can be an additional incentive to aid a boater's memory and willingness to comply with the RBS requirements. Likewise, with manufacturers, the Coast Guard emphasis is correction of a safety problem first, to put safe boats and equipment in the hands of the boating public. In most cases, no civil penalty is assessed against a manufacturer who is cooperative while attempting correction of a defect. Civil penalties are assessed against manufacturers who are uncooperative, or completely fail to comply with the law.
6. Warnings. Commandant Instruction 16750.7 encourages Coast Guard Boarding Officers to issue on-the-spot warnings for violations specified in enclosure (2) of the instruction, if the observed violation is a **FIRST OFFENSE** and the boater states that the violation will be **CORRECTED PROMPTLY**. The use of written warnings saves staff hours in processing violation cases while still serving the purpose of educating the boater in the requirements of the Recreational Boating Safety Program. The instruction prohibits issuing warnings where the operator is required to be licensed, required safety equipment is not on board, or the boarding officer notes three or more violations, or for a non-warnable violation.
7. Civil Penalty Ranges.
 - a. Penalty cases involving boaters should be forwarded to the civil penalty hearing officer only when the situation is beyond use of a written warning either because an on-the-spot warning is precluded, as described in paragraph 6 above, or previous written warning(s) did not provide the boater, or manufacturer, with enough incentive for compliance. Penalty cases involving manufacturers should be forwarded to the civil penalty hearing officer only for repeated and willful disregard for the need for compliance with applicable standards or regulations or for failure to exercise "reasonable diligence" (46 U.S.C. 4310(c) (1) (A)).
 - b. Recreational Boating Safety regulations are listed in Table 6-A, along with the maximum penalties permitted by law. The list is not intended to be all-inclusive. Table 6-A also contains recommended dollar ranges of penalties for each violation for use by the district program manager when preparing a case to submit to the

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4. b. (cont'd) civil penalty hearing officer. The recommended ranges may be exceeded in extreme cases.
- c. In arriving at a recommended dollar penalty for each citation, the district program manager should consider such factors as the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires. Although a detailed explanation or justification for the recommended dollar penalties is not necessary, a district program manager may wish to highlight, for the record, any unusual or noteworthy circumstances or considerations.

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Table 6-A. Recreational Boating Safety Civil Penalty Ranges

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty	
		Low	High	Allowed	
Recreational Vessel Fees (Owner/Operator)					
33 CFR 1.30-15	Failure to pay recreational vessel fee, valid RVF decal not displayed on vessel		\$50	\$400	\$5,000
Regattas and Marine Parades (Sponsor/Owner/Operator)					
33 CFR 100.15(a)	Failure to submit regatta or marine parade permit application to USCG		\$50	\$250	\$250
33 CFR 100.15(b)	Failure to submit regatta or marine parade permit application to USCG within 30 days of event		\$50	\$250	\$250
33 CFR 100.30	Conducting regatta or marine parade without CG, or State, approval		\$50	\$250	\$250
33 CFR 100.35	Failure to comply with special local regulations in connection with approved regatta or marine parade				
	owner aboard or				
	unlicensed operator	\$100	\$500	\$500	
	any other person	\$50	\$250	\$250	
Vessel Numbering (Owner/Operator)					
33 CFR 173.15	Required numbers not displayed or improperly displayed on the vessel		\$50	\$250	\$1,000

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Table 6-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty	
		Low	High	Allowed	
33 CFR 173.19	Operating a vessel with any number on the forward half of the vessel not issued by an issuing authority for that vessel		\$100	\$500	\$1,000
33 CFR 173.21	Operating a vessel without a valid certificate of number or lease of rental agreement on board		\$50	\$250	\$1,000
33 CFR 173.23	Failure to produce on request a valid certificate of number or lease or rental agreement for inspection of a vessel being operated		\$50	\$250	\$1,000
33 CFR 173.25	Failure to have a valid certificate of number or lease or rental agreement available to produce on request for inspection of a vessel being operated		\$50	\$250	\$1,000
33 CFR 173.27	Required numbers incorrectly displayed on the vessel		\$50	\$250	\$1,000
33 CFR 173.29	Failure to notify issuing authority within 15 days of change to the vessel's certificate and/or status		\$50	\$250	\$1,000

Table 6-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty
		Low	High	Allowed
Casualty Reporting (Operator/Person)				
33 CFR 173.53	Failure to submit written report of death or disappearance to nearest reporting authority		\$100 \$500	\$1,000
33 CFR 173.55(a)	Failure to submit written report of casualty or accident as a result of an occurrence		\$100 \$500	\$1,000
33 CFR 173.55(b)	Failure to submit timely written report of casualty or accident as a result of an occurrence		\$50 \$250	\$1,000
33 CFR 173.57	Submitted inaccurate information or incomplete written report of casualty or accident as a result of an occurrence		\$50 \$250	\$1,000
Personal Flotation Devices (PFD) (Operator)				
33 CFR 175.15	Operating a vessel with no PFDs on board		\$100 \$500	\$1,000
33 CFR 175.15	Operating a vessel with insufficient number of PFDs on board or sufficient number of PFDs on board, but not CG approved		\$50 \$250	\$1,000

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Table 6-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
33 CFR 175.19	Operating a vessel with PFDs not readily accessible or not immediately available; PFDs not serviceable; or PFDs not of appropriate size or not properly marked		\$50 \$250	\$1,000
Visual Distress Signals (VDS) (Operator)				
33 CFR 175.110	Operating a vessel with no required VDS on board		\$100 \$500	\$1,000
33 CFR 175.110	Operating a vessel with insufficient or unsuitable VDS on board		\$50 \$250	\$1,000
33 CFR 175.113	Failure to carry launcher needed to activate required VDS		\$50 \$250	\$1,000
33 CFR 175.120	Operating a vessel with required VDS not readily accessible		\$50 \$250	\$1,000
33 CFR 175.125	Operating a vessel with required VDS service life expired		\$50 \$250	\$1,000
33 CFR 175.128	Operating a vessel with required VDS not properly marked		\$50 \$250	\$1,000

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Table 6-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
33 CFR 175.140	Display of VDS in a boat when immediate assistance is not needed		\$100 \$500	\$1,000
Ventilation (Operator)				
33 CFR 175.201	No required ventilation system installed on boat built after 31 July 1980		\$50 \$250	\$1,000
33 CFR 175.201	Ventilation system not operable, or does not meet requirements on boats built prior to 31 July 1980		\$50 \$250	\$1,000
Correction of Especially Hazardous Conditions (Operator)				
33 CFR 177.05	Did not comply with a USCG Boarding Officer direction to correct a condition, terminate a voyage, or suspend further use		\$100 \$500	\$1,000
Defect Notification (Manufacturer)				
33 CFR 179.05	Failure to furnish notice of manufacturer discovered defect or failure to furnish notice within 30 days of the discovery		\$500 \$1,000	\$1,000
33 CFR 179.09	Notice of manufacturer discovered defect incomplete or inadequate		\$500 \$1,000	\$1,000

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Table 6-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
33 CFR 179.11	Failure to furnish notice of USCG discovered defect or failure to furnish notice within 30 days of USCG notification of defect		\$500 \$1,000	\$1,000
33 CFR 179.13	Failure to submit an initial report of a defect to USCG or failure to submit report in a timely manner		\$250 \$750	\$1,000
33 CFR 179.15	Failure to submit a follow-up report of a defect to USCG or failure to submit report within 60 days after the initial report		\$250 \$750	\$1,000
Manufacturer Requirements (Manufacturer)				
33 CFR 181.7	Manufacture or import for sale or offering for sale a boat that does not have a certification of compliance label	per item	\$500 \$2,000	\$2,000 to \$100,000
33 CFR 181.15	Failure to provide adequate information on the certification label	per item	\$500 \$2,000	\$2,000 to \$100,000

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Table 6-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
33 CFR 181.17	Letters and numbers on certification label not of adequate size or not in contrasting color	per item	\$500	\$2,000 to \$100,000
33 CFR 181.19	Certification label not constructed of material that can resist deterioration or capable of showing traces of alteration or removal of label information	per item	\$500	\$2,000 to \$100,000
33 CFR 181.23	No hull identification number (HIN)	per item	\$500	\$2,000 to \$100,000
33 CFR 181.25	HIN not in proper format	per item	\$500	\$2,000 to \$100,000
33 CFR 181.29	Two identical HINs not properly displayed or not of adequate size	per item	\$500	\$2,000 to \$100,000
33 CFR 181.35	Removal or alteration of HIN without USCG authorization	per item	\$500	\$2,000 to \$100,000

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Table 6-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
33 CFR 181.702	Failure to provide a PFD information pamphlet that meets UL 1123, sections 33, 34 and 35 in each recreational hybrid PFD package	per item	\$500 \$2,000	\$2,000 to \$100,000
33 CFR 181.703	Failure to provide a PFD information pamphlet that meets UL 1123, sections 33, 34 and 35 in each recreational PFD package	per item	\$500 \$2,000	\$2,000 to \$100,000
33 CFR 181.703	Failure to make each PFD information pamphlet capable of being read before purchase	per item	\$250 \$2,000	\$2,000 to \$100,000
Boats and Associated Equipment (Manufacturer)				
33 CFR 183.23	Failure to attach capacity plate on boat	per item	\$500 \$2,000	\$2,000 to \$100,000
33 CFR 183.25	Capacity plate information not complete or improperly displayed	per item	\$250 \$1,500	\$2,000 to \$100,000

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Table 6-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
33 CFR 183.27	Capacity plate not constructed to withstand normal exposure to the elements without loss of legibility or to show efforts to alter or remove information	per item	\$250	\$1,500 to \$2,000 to \$100,000
33 CFR 183.405	Electrical system is inadequate or does not conform to requirements of 33 CFR 183, Subpart I	per item	\$250	\$1,500 to \$2,000 to \$100,000
33 CFR 183.507	Fuel system is inadequate or does not conform to requirements of 33 CFR 183, Subpart J	per item	\$250	\$1,500 to \$2,000 to \$100,000
33 CFR 183.610	Inadequate or improper powered ventilation system equipment	per item	\$250	\$1,500 to \$2,000 to \$100,000
33 CFR 183.620	Inadequate or improper natural ventilation system	per item	\$250	\$1,500 to \$2,000 to \$100,000

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Table 6-A (cont'd)

<u>Specification</u>	<u>Nature of Specification</u>	<u>Recommended Penalty Range</u>		<u>Maximum Penalty Allowed</u>
		<u>Low</u>	<u>High</u>	
33 CFR 183.710(a)	Manufacture of an O/B motor not equipped with start-in-gear protection	per item	\$250	\$1,500 to \$2,000 to \$100,000
33 CFR 183.710(b)	Required start-in-gear protection information not attached to O/B motor controls	per item	\$250	\$1,500 to \$2,000 to \$100,000
Fire Extinguishing Equipment (Operator)				
46 CFR 25.30-20	Failure to have sufficient proper USCG approved fire extinguishing equipment on board		\$50	\$100 to \$100
Backfire Flame Control (Operator)				
46 CFR 25.35-1	Failure to have an acceptable means of backfire flame control with a gasoline engine installed in a motorboat or motor vessel after 25 April 1940		\$50	\$100 to \$100
Ventilation (Operator)				
46 CFR 25.40-1	Failure to have on board proper ventilation for fuel tanks and engine compartment		\$50	\$100 to \$100

Table 6-A (cont'd)

Specification	Nature of Specification	Recommended Penalty Range		Maximum Penalty
		Low	High	Allowed
Negligent Operations (Operator)				
46 U.S.C 2302(a)	Operating a vessel in a negligent manner that endangers life, limb or property of a person		\$100 \$1,000	\$1,000
Operating a Vessel while Intoxicated (Owner/Operator)				
46 U.S.C. 2302(c)	Operating a vessel while intoxicated		\$250 \$1,000	\$1,000
Penalties and Injunctions (Manufacturer)				
46 U.S.C. 4307(a) (1) (A)	Manufacture or sale in the U.S. of a boat or associated equipment not in compliance with a regulation prescribed under 46 U.S.C. Chapter 43	per item	\$500 \$2,000	\$2,000 to \$100,000
46 U.S.C. 4307(a) (1) (B)	Failure to mark or label a recreational vessel or associated equipment intended only for export	per item	\$500 \$2,000	\$2,000 to \$100,000
46 U.S.C. 4307(a) (3)	Failure to exercise reasonable diligence in carrying out the defect notification and reporting requirements of 46 U.S.C. Chapter 43	per item	\$500 \$2,000	\$2,000 to \$100,000